

*How to write blue ink -*  
*with respect of*  
*Phillips*  
*Andover*  
*the*

**CATALOGUE**

OF THE

**TRUSTEES, INSTRUCTORS**

AND

**STUDENTS**

OF

**PHILLIPS ACADEMY,**

**ANDOVER,**

**AUGUST 19.....1823.**

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## STUDENTS.

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### SENIOR CLASS.

NAMES.	RESIDENCE.
Adams William	<i>Andover</i>
Allen Alldis S.	<i>Medway</i>
Alvord James C.	<i>Greenfield</i>
Bradford Ebenezer G.	<i>Franeestown, N. H.</i>
Bridgman Ansel	<i>Northampton</i>
Carleton Parker	<i>Blue Hill, Me.</i>
Chase James M.	<i>Cornish, N. H.</i>
Darrach James	<i>Philadelphia, Pa.</i>
Denison Ebenezer	<i>Stonington, Conn.</i>
Durant Henry	<i>Acton</i>
D'Wolf Allen M.	<i>Bristol, R. I.</i>
Eaton Joshua T.	<i>Framingham</i>
*Goodell Joel	<i>Templeton</i>
*Grosvenor Mason	<i>Mansfield, Conn.</i>
Hopkins Samuel	<i>Boston</i>
Jenney Elisha	<i>Fairhaven</i>
*Jenkins Joseph	<i>Boston</i>
Johnson Osgood	<i>Andover</i>
Kittle Samuel M. E.	<i>Dorchester</i>
Lane Joseph	<i>Sanbornton, N. H.</i>
Lancaster Cyrus	<i>Acworth, N. H.</i>
*Merwin Timothy T.	<i>New Haven, Conn.</i>
M'Clure Alexander W.	<i>Boston</i>
Nichols Samuel	<i>S. Reading</i>
Patten Abel	<i>Billerica</i>
Phillips William	<i>Boston</i>
Potts Hamilton	<i>New Orleans, La.</i>
Quincy Edmund	<i>Boston</i>
*Roundey John W.	<i>Marblehead</i>

Stearns William A.	<i>Bedford</i>
*Stuart Isaac	<i>Andover</i>
Tappan John G.	<i>Boston</i>
Train Elijah N.	<i>Do.</i>
Wild John	<i>Dorchester</i>
Willis Nathaniel P.	<i>Boston</i>
*Woods Leonard	<i>Andover.</i>

SENIOR CLASS.....36

## JUNIOR CLASSES.

Abbot Ezra	<i>Andover</i>
Andrew Charles A.	<i>Salem</i>
Avery Edwin D.	<i>Guilford, N. H.</i>
Baker Oliver	<i>Templeton.</i>
Barnes Alphonso	<i>Bristol, Conn.</i>
Bartlett John	<i>New Ipswich, N. H.</i>
Blanchard Edward	<i>Andover</i>
Bulley Samuel	<i>Boston</i>
Bumstead Frederick	<i>Do.</i>
Burditt Michael	<i>S. Reading</i>
Carter John A.	<i>Fredericksburgh, Va.</i>
Carter Charles T.	<i>Newburyport</i>
Cleaveland Stephen H.	<i>Boston</i>
Cowles Orson	<i>Hartland, Conn.</i>
Crocker Frederick W.	<i>Barnstable</i>
Cummings James M.	<i>Andover</i>
Davenport Addington	<i>Pawtucket, R. I.</i>
Dix Roger S.	<i>Littleton</i>
Dodge Nathaniel S.	<i>Haverhill</i>
Dutch Aaron H.	<i>Woodstock, Conn.</i>
Eldridge Joseph	<i>Yarmouth</i>
Emerson Luther	<i>Saugus</i>
Evans Richard	<i>Andover</i>
Fay Samuel A.	<i>Charlestown</i>
Foster Isaac	<i>Andover</i>
Foxcroft Francis C.	<i>Boston</i>



French Jonathan  
 Gage William  
 Goodrich Darius N.  
 Goodwin Hiram  
 Goward Isaac  
 Gregg Thomas  
 \*Griffeth Warren  
 Griswold Henry A.  
 Hall Sherman  
 Hardy Aaron A.  
 Harvey Ransom  
 Hennen Duncan N.  
 Hitchings Benjamin G.  
 Homes Henry A.  
 Hopkins Erastus  
 Hosley Simon D.  
 Huntington Joshua  
 Johnston Edward R.  
 Kennett John  
 Kettell George A.  
 King Daniel C.  
 King Samuel P. C.  
 Langdon Octavus A.  
 Le Bosquet Caleb B.  
 Lewis Charles A.  
 Lewis George R.  
 Lord Nathaniel  
 Lord William  
 Lovett Augustus  
 Mackintire Stephen B.  
 M<sup>c</sup>Lane James W.  
 M<sup>c</sup>Laurin John  
 Mann Royal  
 Munro Edward V.  
 Murdock Abraham  
 Newell Chester  
 Newman John W.

*Northampton, N. H.*  
*S. Reading*  
*Berlin, Conn.*  
*New Hartford, Conn.*  
*Croydon, N. H.*  
*Charlestown*  
*Whitehall, N. Y.*  
*Bristol, R. I.*  
*Weathersfield, Vt.*  
*Haverhill*  
*Granville, N. Y.*  
*New Orleans, La.*  
*Charlestown*  
*Boston*  
*Do.*  
*Do.*  
*Do.*  
*Hillsborough, N. H.*  
*St. Petersburg, Russia.*  
*Charlestown*  
*Danvers*  
*Do.*  
*Boston.*  
*Haverhill*  
*New London, Conn.*  
*Do.*  
*Kennebunk Port, Me.*  
*Salem*  
*Andover*  
*Danvers*  
*Jackson, Missouri*  
*Glengary, U. C.*  
*Orford, N. H.*  
*Dawfuskey Island, S. C.*  
*Andover*  
*Boston*  
*Andover*



Newman Samuel	<i>Ipswich</i>
Noyes John	<i>Salem</i>
Odin John	<i>Boston</i>
Osborn John J.	<i>New York City</i>
Payson John O.	<i>Pomfret, Conn.</i>
Peck Seth	<i>Swansea</i>
Pike Francis V.	<i>Newburyport</i>
*Poindexter Albert G.	<i>Natches, Mississippi</i>
Rice Edward	<i>Andover</i>
Sackett Seth	<i>Warren, Conn.</i>
Shed Charles	<i>Andover</i>
Shipman James I.	<i>Do.</i>
Simpkins Paul	<i>Newburyport</i>
Soley John	<i>Charlestown</i>
Steel Alvah	<i>Wilton, N. H.</i>
Stetson Aaron	<i>Braintree</i>
Stockbridge Tristram G.	<i>Bath, Me.</i>
Stone Benjamin P.	<i>Enosburgh, Vt.</i>
Stone John P.	<i>Cornwall, Conn.</i>
Stone Timothy D. P.	<i>Do.</i>
Strong Jeremiah A.	<i>Northampton</i>
Stuart Moses B.	<i>Andover</i>
Thayer Norton	<i>Braintree</i>
Thayer Abijah R.	<i>Medway</i>
Thayer Asa C.	<i>Do.</i>
Thomas Francis	<i>Scituate</i>
Trowbridge John H.	<i>Cambridge Port.</i>
Wayland John	<i>Saratoga Springs, N. Y.</i>
Winslow Nathaniel G.	<i>Williston, Vt.</i>
Wolcot William	<i>Stow</i>
Woods Daniel B.	<i>Andover</i>

SENIOR CLASS 36

JUNIOR DO. 94

\*ABSENT.

TOTAL

130

*from the author*

2

3

THE

**H O G.**

COMPOSED

**BY A FATHER,**

**FOR HIS SON.**



CITY OF WASHINGTON:

**PRINTED BY JAMES WILSON.**

1883.

100.000.000

BY A. L. L. L.

CITY OF WASHINGTON  
REGISTERED BY JAMES WILSON  
1881



# AN ORATION,\*

WRITTEN FOR MASTER T. J. L.

*Respected Preceptor, and beloved Classmates:*

**TIRED** with having recourse to our school books for studied pieces of elocution, for declamatory exercises, which, though admired for their various beauties, have become in a manner uninteresting from continual repetition, I have ventured, like a nestling from the branch, to take a flight of my own, with a view to try my powers. Should I, in this attempt, call forth your risible faculties, by blending together, in the repast I am about to offer you, the *Hog* and the *Fine Arts Gastronomy* and *Beauty*, the *Holy Alliance* and *Stump Orators*, which I propose to serve up, after the German manner, garnished with American brains, and a few French nick-knacks, I must assure you that mirth is not my sole object: A moral, as you will find by listening to me with indulgence, may be drawn from a *Pig*, as well as from the democratic Ant, or monarchical Bee.

The Hog is the king of all unclean animals; his empire is the most universal, and his qualities the most unequivocal of any other. He is the sovereign of the cook-shop; without him we should have no *lard*, no forced meat balls, nor fixed ammunition for the frying pay; no roast pigs—in short, no kitchen.

Your Willich's Volneys, Buchans, and Mea-

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\* Lest the author should be considered as a finished *Gastronome*, it is but in justice to himself, as well as to the inimitable author of the *Almanac des Gourmands*, to state, that he is indebted to that amusing work for many of the culinary and other articles to be found in this Eulogy.

ses, cry in vain that his flesh is heavy and laxative. Our Mitchills and Physicks, Huntts and Worthingtons, may tell us, if they please, that it is indigestible and scorbutic; we know they would be very sorry were we to believe them; for, on the score of *bilious fevers* and *dyspepsies*, the hog is the best feather in their caps. The Jews, though they regard him with horror, as do some Christians, (many of whom are perfect Jews, while many Jews excel the Christians in the practice of every virtue,) yet neither will hesitate to eat good blood puddings, when they can get them.

If you want to learn the value of the Hog, consult the French cook, who knows how to dress eggs in *six hundred and eighty-five different ways*, and he will tell you that the *artist* alone is at the head of the culinary profession who has triumphed over every obstacle, by varying his *compositions* in such a manner as to give the flesh of the Hog the most learned, exquisite, and multiplied forms.

“To mix the food by vicious rules of art,  
To kill the stomach, and to sink the heart;  
To make mankind to social virtue sour,  
Cram o’er each dish, and be what they devour.  
For this the kitchen muse first framed her book,  
Commanding sweat to stream from every cook;  
Children no more their antic gambols tried,  
And friends to physic wonder’d how they died.”

Thus sang our inimitable Hasty-pudding bard; and yet had we asked him to name his favorite dish, he would have answered, *pork and beans*, with the same simplicity as he informed us that all his bones were made of Indian corn. Put the same question to a member from the “Ancient Dominion,” and he will tell you *Hog* and *Homony*; to one from Maryland, and he will an-



swer, the wing of a *Mud Lark*;† to the chairman of a committee who maintains that there is no *report* like the report of a cork, “no digest of laws like the laws of digestion,” and he will reply *Ham* and *Chickens*. Even the Judge who lost his hat the other day in a rencountre with a drove of these sturdy grunTERS moving heedlessly down the Pennsylvania avenue to the pot, the stew-pan, smoke house, harness-tub, and spit, will say, *Bacon* and *Eggs*.

Nature has so arranged it, that every part of the Hog is good—there is nothing in him to reject. The *fine arts* have disputed with the kitchen the honor of stripping him, and while many a “knight of the dishclout” owes his fortune to the Hog, his bristles have been the instrument of the glory of a West and a Trumbull, and have added to the fame of many an epic poet, in a choice metaphor.

“Thy hair so *bristles* with unmanly fears  
As fields of corn that rise in bearded ears.”

The gouty nabob’s limbs, the dapper dandy’s head, the house-maid, valet, chimney sweeper, and shoe-black, are all indebted to him; while the divine mouth of Miss —, whose pouting lips, “resembling blushing berries cast on snow,” “I never kissed, *perhaps* never shall,” owes half its sweetness to the Hog.‡

When treating of this valuable animal, we are at a loss to know how to get into the subject, or at which end to take him. If we begin at the most noble part, we shall discover that without much labour, it is transformed for the tables of princes, so as to resemble (which we hold contrary to the arts of civilization) the head of a wild Boar. His cutlets, whether broiled simple, in

†Mud Lark—The Marylanders’ term for Hog. Thus, the Wing of a Mud Lark, in the slang of the country, is a Ham.

‡By the Tooth Brush.

*papillote*, or served in *ragout*, are gratifying to our sensuality. His thighs and shoulders have contributed to the riches and reputation of Virginia, Westphalia, and Bayonne. His ears and tongue are tidbits when operated upon by an expert cook; and his *uprights*, when dressed after the consummate manner of *Saint Minue*, are preferred by all the members of the Holy Alliance to that plain, though famous American dish, the *Rights of Man*, the stamina of all good constitutions, which the sovereign people will finally have to cram down their legitimate throats with less ceremony than we stuff young turkeys, before they know what is good for themselves and those who *nourish* and *support* them.

The Hog's haslet, intestines, web, and scrapings, form the essentials and tubes of all our suasages. Even his blood has the advantage over that of all other animals, of being turned divers ways to the cravings of our appetites. His meat hashed fine, in addition to the various metamorphoses it is subjected to, is the principal ingredient of that exquisite stuffing which accommodates itself so marvellously to the cavities, of what to that boasting feeder John Bull is *rara avis*—a *Roasted Turkey*. His breast and middlings, when consigned to the pickle, are alike estimable, whether garnished with greens or engulfed in a New-England chowder; while if hashed in small cubes, and studded like pearls over the liver of a calf, the crested *fricandeau* rises to our view, to reign the queen of all the senses, and again, when cut in transparent slices to decorate the breasts of partridges, woodcocks, snipes, quails, ortolans, reed birds, and such like superlatives of the table, they supersede the necessity of larding or basting in the usual way—giving



a flavor to these roasted delights which the delicate palates of such renowned epicures as your Tom Brattles of America, D'Aigrefeuilles of France, and Quins of England, find incomparable. Shall we mention Brawn, his spare-rib, Chine, the rasher of bacon or pork, sprinkled with vinegar, and sweetened with all the boatmen's delight, and his *head*, called, when deprived of all its bones, *a cheese*? The very gastric juice of a true *Gastronome*, on his beholding it rises to the mouth, impatient to envelope it.

Then comes his skin to form the *Borachos*, in which the Spanish and Portuguese vintagers transport their generous wine, called by an old *Chanoine* the *milk* of the aged, the *balsam* of the adult, and the *vehicle* of the epicure. Then again it is destined for the *creble* and the *seive*, and finally, to prove its superior excellence, on the saddle of the horseman. In this shape how many stump orators it takes astride, and bears along through bog and briar, in Indian track, and over turnpike, vexing, by its durability and pliability, the coarser texture of its rough neighbors, until by "stooping down, as he must needs who cannot sit upright," these idols of the people arrive, at the capitol to repose their noble suffering parts on the crimson seat of honor.

In short from the St. Croix to the Mississippi; from the Blue Ridge to the Rockey Mountains, what would man be without his Hog? His virtues and his worth are known to all, from the Mayor of New-York, for whom he has long officiated as scavenger general, to that hardy ocean-troubler, the Marblehead fisherman, of whose Cod he is the aid-de-camp; and, though all are indebted to him for so many enjoyments, yet they never mention him but in the language

of abuse, and never cease to load his name with the most opprobrious terms.

Not so the ancients. They honored him by sacrificing him to Ceres, the goddess of abundance, for having *taught man how to plough the earth*. The Egyptians sacrificed him to the full moon and to Bacchus. They regarded him, too, as the symbol of intrepidity, and when in his fury ravaging vineyards and harvests, as a superb and cruel conqueror, though they at the same time held his flesh in aversion as unclean. The death of the wild boar of the mountain of Eny-manthe, was one of the *twelve labors of Hercules*, in whose time the Hog was immolated on wedding days, as an emblem of fecundity. He was also sacrificed to Diana, and in the Island of Crete he was considered as a sacred animal. In short he has been sung over by high priests, immortalized by Poets, and his virtues have been recorded by sage historians.

What school-boy does not recollect the inspired seer, who read the oracles of destiny to Æneas, foretelling the hero that his wanderings would not cease until he should espy the predestined, infallible signals of civilization and future grandeur, a white sow recumbent with her litter of pigs, emblem of a multiplying people, the sources of wealth and power.

“Cum tibi sollicito secreti ad fluminis undam  
 “Litoreis ingens inventa sub elicibus sus,  
 “Triginta capitum fœtus enixa jacebit,  
 “Alba, solo recubans, albi circum ubera nati;  
 “*Is locus urbis erit; regnies, ea certa laborum.*”  
 “When in the shady shelter of a wood,  
 “And near the margin of a gentle flood,  
 “Thou shall behold a sow upon the ground,  
 “With *thirty* suckling young encompassed round;  
 “The dam and offspring white as fallen snow,  
 “These on thy city shall their name bestow,  
 “And *THERE shall end thy labors and thy woe.*”



In Rome the Hog was held in the highest estimation, and there the most particular attention was paid to the *art* of feeding, cleaning and fattening him—an *art*, which the Latin authors on rural economy call *Porculantio*. Under the emperors, the vulgar luxury of *Gluttony*, (for a fine polished *Gastronome* was not known in those days,) was carried to great excess, even to a cruelty too disgusting to mention. Among the opulent *ferocious* Romans, (as Lady Morgan very properly styles them,) they had two celebrated ways of preparing and cooking a hog—one consisted in serving him up, large as life, with one side broiled and the other roasted. The other was called the *Trojan* manner, in allusion to the famous horse of *Troy*, stuffed with combatants. It consisted of taking out all the insides of the hog, and then forcing him, with every species of game and other victims, filling the crevices with oysters, the whole moistened with costly wines and rich juices. This preparation of the Trojan Hog led to such extravagancies that it became the object of a sumptuary law.

We have heard some gentlemen, from the Eastern Shore of Maryland, boast of their roasted Hogs, after the West India manner, but we suspect they never heard of such *barbecues* as these, which appear to us to be as extraordinary as the infernal Venison—a roasted tiger stuffed with tenpenny nails which a *terrific* itinerant preacher once told his hearers his Satanic Majesty served up to all sinners.

It appears from various historians, that, among the less ancient people of Europe, pork was held in such high repute as to form, (as in our



new settlements,) not only their common food, but also the principal article of their best repasts. The Salique law treats more of the Hog than of any other domestic animal. One of its chapters is confined altogether to the punishment of hog-stealing—*de furtis porcorum*. Formerly the greatest revenues of the *Mother* church consisted in her hog-tithes. In those days the corpulent priests of France, who “larded the lean earth as they walked along,” and whose Tutelar *Saint*\* has ever since been represented by artists with a Hog at his feet, were so fond of Pork, that the dishes destined to bear it to the table were called *Bacconiques*, from the old word *Baccon* or *Bacon*, which signified a fatted pork or hog. It was then these *bon vivans* daily invoked their guardian,

“That their life, like the leap of their patron might be,  
† *Du lit a la table, de la table au lit.*”

After all that has been said of the utility of the Hog, in olden and modern times, we cannot but think that to him, instead of the lion, belongs the title of the king of animals; in point of instinct, (by which he selects 72 species of vegetables and rejects 171,) sagacity and docility, when tutored, he is but little, if anywise, inferior to the dog, beaver, and half reasoning elephant. Who has not heard of the learned Pig spelling words, pointing out names, and designating cards? In the towns of Europe, when the swineherd sounds his horn, every Hog leaves his sty to follow him to the forest or fields. If a storm is approaching or a change of wind or weather is about to take place, the Hog is the first with the *Barometer-nose*, true as *Torricelli's* best instrument,

\* St. Anthony.

† From the bed to the table, from the table to the bed.



to make the discovery and to warn his keeper by his cries and movements. With a knowledge of this fact, the conjurers tell us, "he is the only animal who sees the wind," by which means he is enabled, on the principle of *carpe diem*, to avoid foul weather, and enjoy the fine. He is also endowed with *sensibility* as well as instinct, and has one quality which distinguishes him from all others of the brute creation—that of running to the aid of all his brother hogs in distress and difficulty, braving the greatest dangers and the rudest treatment for the love of *kin*.

In all countries, except Scotland, the Hog, out of gratitude for the eminent services his family has never ceased to render to man, *from the most remote antiquity*, is permitted to live in a state, of what many *erect* hogs we know of would call luxury and ease. But whoever has visited that sage computer, the ever-saving Sawney, in his Murryshire, must have frequently seen the Hog tackled with a small horse to the same plough. How different from the Mexicans, who, in driving their Hogs to market, cover their feet and lower joints with a sort of boots, to prevent the ill effects of fatigue, while the *peasant* who conducts them goes *barefooted*!

Had it not been for some Egyptian Goddesses, who fell in love with a bull, and the *clan* of that wise legislator Moses, whose cutaneous sympathies pork was supposed to increase, (and therefore the patriot Hog was by both proscribed,) we moderns should entertain a much higher respect for him than we do; for it must be acknowledged, taking him altogether, *soul* and body, (*honi soit qui mal y pense*) inside and out, that he is very superior to most animals, and



the devoted friend of man, to whom he never fails to show his gratitude, by repaying him in an hundred fold for all his favors.

As to his habits, they are to be sure, for the want of care and education, rather grovelling and nasty; but this, as in some biped cousin-germans of his, ought rather to be termed a genteel slovenliness, indicative of *great natural gifts, and a contempt for artificial helps*. Tho' we admit he is an excessive gormandiser, inso-much as he is not very choice of his viands or liquids, yet he has no hankering after whiskey, egg-nog, or juleps, which, with segars, tobacco, and snuff, he leaves to certain *Cossack* relatives of his, who, while ycleped lords of the creation, would do well to recollect, that

"The Hog who works not, nor obeys their call,  
"Lives on the labours of these Lords of all.

Much has been said in praise of the Hog, yet many a swinish excellence must be passed over in silence, and left, like virtue, to its own reward. The last advice of the dying, like the parting kiss of the lover, is the most impressive: so is the peroration of a discourse, the finish of an epigram, and last stanza of a poem, as well as the last hint of a moral, from Esop to Franklin. So, precisely so, appears the last and most prominent character of our bristly personage; a character of inestimable value in this great republic, the *Pharos* among nations.

When nature created and endowed the Hog with qualities surprising and rare, she seems to have presented him to the statesman, lawyer, judge, physician, and divine—to *all* the human race—as the perpetual model of that stubborn,

rude, uncourtly integrity, commonly understood by the name of *Independence*; and yet, strange inconsistency! this representative of honest obesity has given rise to the calumnious metaphor of bribery, implied by *greasing a man's palm*! as if the fat of a Hog was synomious with gold. Our very aspersions are oftentimes charged with precious confessions detersive of the reputation they were intended to tarnish. Senators have been known to take bribes; Jugurtha bought the Roman, and Walpole the British Senate; *and who has not heard of the Yazoo purchase?* Courtiers and sycophants too will flatter; but neither adulation nor money can tempt to deviate from the invariable laws of his nature, the "even tenor of his ways," this valuable quadruped, who, though like a candidate for public office, he will go through *thick and thin* to reach his object, will never *be led or driven* like a time serving radical. The downy bed has no enchantments for him. With the *Doric* simplicity of a backwoodsmen, he lays himself down in the humblest hovel or under "the blue spangled arch of Heaven," and snores away the night with a full stomach and a *clear conscience*.

"Go! from the creatures thy instruction take."

When the Roman historian captivates us most, he recals that simple age of purity in which *Cincinnatus* cultivated his own ground, or Scipio roasted turnips and broild his own pork on his Sabine farm; not that vile Epicurean epoch when Emperors and courtezans melted pearls for a soup, gave thousands for a turbot, and millions for a debauch. The incorruptible Hog, with Roman simplicity *ploughs his own fields and*



caters for himself. Truffles and mushrooms are his choicest dainties; for *his* heaven, like that of the Gods; who, in the reign of Saturn, fought and ate with men, and held sweet converse with the women, is upon the earth. There he grunts and grumbles for his competency, which, like the fund of South American riches, is concealed partly under ground, as if the deity had foreseen that tyranny would enslave, or cowardice surrender every thing above its surface. But all the devices of despotism and its inquisition will not coerce him, like the Indian of the Mita, to dig dross for a master.

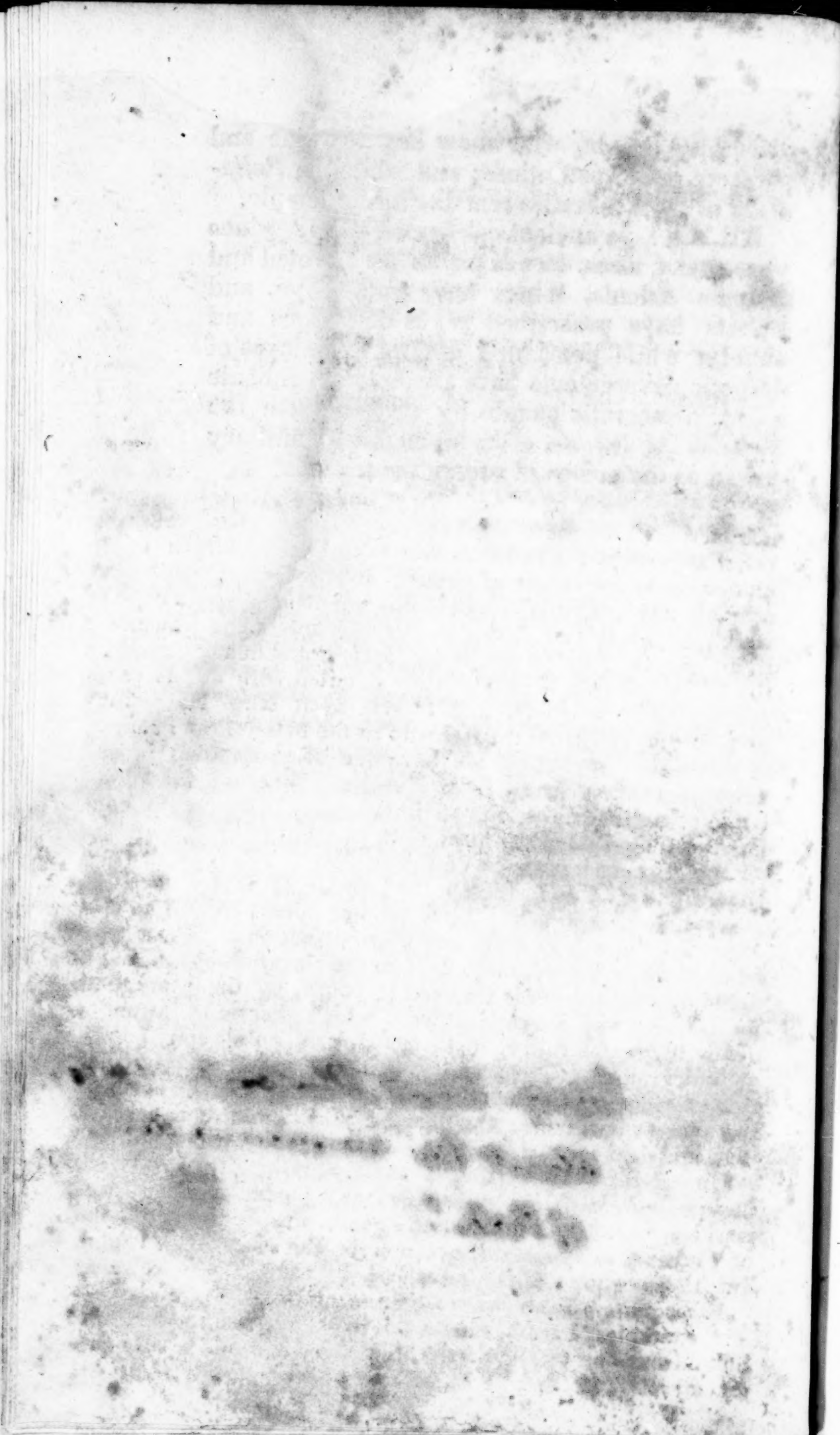
The Deity, who created the Eagle for an aerial flight, and fitted him to soar to the sun, manifested his various powers in adapting the bristled Hog to an opposite independence, half hidden beneath the earth, only to teach us *that liberty subsists in extremes alone: It is perfect, or it is nothing: Compromise or medium is its abhorrence and its bane.* When American soldiers and tars shall be deaf to this truth, then will our legions cower on the field, and our striped bunting be struck to some unborn mistress of the main, as a punishment for our degeneracy. Then our Hogs will be slain to satisfy voracious nobles, feed church-men, and pay grim soldiers, who, in preying upon/vitals, will enslave the mind and subdue the body. Then, instead of a patriot, statesman, and philosopher, for our President, we shall have a stupid Gorgeous King, who, though called *Defender of the Faith, Apostolic, Catholic or Most Christian*, may combine, in his legitimate habits, ravenous desires and tyrannical propensities, the qualities of the *Tyger* and the *Hog*. But this degenerate state of things can never be experienced by a

discerning people, who know how to value and perserve their institutions; and while the *Palladium* of their liberties remains in the temple.

All hail! ye ancient celebrated *race*! Since your tusky sires, tore in pieces the devoted and delicate Adonis, Kings have hunted ye, and Priests have proscribed ye, as dangerous and unholy; while pensioned orators and slaves of despotic governments have attempted to ridicule a free, democratic people, by styling them the *Swinish Multitude*, alike invincible by military power, as the power of superstition.

*Query. What Plutarch says  
about the numerous dashes  
of Perik?*





# ANNALS OF BENEFICENCE.

## No. I.

*"On eagles' wings, immortal, scandals fly,  
"While virtuous actions are but born and die."*

THE powerful influence of example in impelling mankind to good or ill, can scarcely escape the notice of the most superficial observer. Numerous cases in proof, present themselves daily. It is therefore immensely important to the virtue and happiness of a community, to have instances of laudable actions brought forward as conspicuously and in as strong relief as possible, in order to arouse and perpetuate a noble emulation in the career of virtue. It is to be regretted that scarcely any attention is paid to this important point, a neglect which has given rise to the mortifying sentiment expressed in my motto. Any atrocious act, perpetrated in any corner of the United States, is immediately detailed with all its enormity in the newspapers, and travels from New Hampshire to Georgia, and from the Atlantic to the Mississippi; and, as if this were not enough, we have too often detailed in our newspapers the enormities of Europe. Whereas, the knowledge of actions deserving of immortality is frequently confined to the very neighbourhood in which they are "*born and die.*" This is lamentable and pernicious. Mankind are too generally torpid and indolent, and prone to centre their regards and cares in self. They require potent stimuli to elevate their minds to great and glorious actions. Those who have watched the salutary effect, in the elevation of mind and noble disinterestedness inspired in youth, by the perusal of the Grecian and Roman histories, which abound in instances of all the great heroic virtues of patriotism, public spirit, magnanimity, courage, generosity, &c. will unhesitatingly coincide in these opinions. This was well understood by some of the ancient lawgivers, who decreed public rewards to persons distinguished for their virtues.

Under this impression, I shall occasionally submit to the public examples of beneficence, benevolence, patriotism, magnanimity, heroism, and generosity, in the fond hope of exciting to imitation, not merely the rising generation, but those who are far advanced in their career towards "that country, from whose bourne no traveller returns"—The examples, I trust, cannot fail to produce salutary effects. Should but one wealthy individual—and I would gladly flatter myself that there will be many—who now hoards his



riches with the grasp of death, be induced to part with a portion of them towards building a bridge—founding an hospital—establishing or enlarging a public library—cutting a canal—relieving merit suffering under distress—patronizing promising but depressed talents in the arts or sciences—or towards any of the laudable objects in which some of the persons whose cases I shall cite, have displayed their munificence, I shall rest satisfied, that my labours are fully rewarded. But should my expectations be disappointed, I shall at least enjoy the satisfaction of having made an effort to excite a spirit which unfortunately is too rare at present.\* I shall not confine myself to instances on this side of the Atlantic—but shall occasionally range over a wider sphere, and exhibit some select cases from Great Britain and Ireland, where, particularly in the former, they abound to an extent truly honourable to that country.

An eloquent preacher in Boston, whose congregation comprises some of the wealthiest citizens of that place, lately made a feeling address to them, which deserves the most serious attention of every wealthy man in the world—"My dearly beloved brethren," says he, "some of you have incomes of 10,000, some 20,000, some 30,000, and some 40,000 dollars per annum. If you were to devote 4, 5, 6, or 7000 dollars per annum to religious, charitable or philosophical purposes, *you would still retain fortune enough to enable your children to ruin themselves.*" What a field for reflexion this opens to a contemplative mind! What a lesson to men of wealth, who are amassing treasures in countless heaps for the destruction of their children! If we look round in every direction, we shall find numbers of young men who gave the highest promise of great usefulness in early life, but have been actually ruined in fame and fortune merely by the exorbitant wealth bequeathed them by their parents, which tempted them into the indulgence of every species of vice and folly. Those misguided parents might have immortalized themselves by de-

\* Boston stands proudly preeminent in this noble career over the rest of the Union. Many of her wealthy citizens have displayed a princely munificence in the support of public establishments, and the promotion of objects of great utility. Individuals in that city have contributed as much in a single instance for such purposes as all our very wealthy men united in ten years. With very few exceptions ours have no ambition for making such use of their wealth. Their motto seems to be—

*"Mihi plaudo,*

*Ipse domi simul ac nummos contemtor in arca."*

Very nearly all the patronage that the arts and sciences and literature receive in Philadelphia is from the gentlemen of the learned professions, and those in the middle walks of life.

*"Pudet hæc opprobria nobis*

*Et dici potuisse—et non potuisse refelli."*

voting during their lives a part of their fortunes to charitable or generous purposes—and by the remainder secured happiness here, and probably hereafter, to their children. What they hoarded with such tenacious grasp, their heirs squander away with prodigal hand.

## I.

*Gen. Van Rensselaer*, of the state of New York, appropriated five hundred dollars per annum, for three years, towards making geological surveys in his neighbourhood. The three years having expired lately, he extended this liberal donation for three years more. To his honour, various other instances of liberality are recorded of him.

## II.

*Samuel A. Elliot, Esq.* of Boston, lately purchased the library of *D. B. Warden, Esq.* formerly American consul at Paris, which he presented to the Harvard University. This collection contains about 1300 volumes, chiefly on American history, and three hundred maps. I do not know the amount of the purchase, but believe it was a very considerable sum—as the owner, when they were first offered for sale, estimated them at an exorbitant rate.

## III.

*Isaac Thorndike, Esq.* of Boston, some years since purchased and presented to the same university the very valuable library of *C. D. Ebeling*, professor at Hamburg, collected with the most extraordinary care, attention, and liberality, and directed chiefly towards enabling *Mr. E.* to write a history of this country, in which he spent the greater part of his life. His history of Pennsylvania is acknowledged to be far superior to any account of this state published in the English language.

## IV.

*Godfrey Haga, Esqr.* a respectable German, about seventy-six years of age, for half a century a citizen of Philadelphia, made his will some years since, in which he bequeathed 5000 dollars to the Moravian society, of which he is a worthy member. The society, about two years ago, having determined on rebuilding their church, he cancelled the item in his will, and presented them with the full sum above specified. What a laudable example, and how worthy of the imitation of those who are rolling in wealth!

## V.

Of all the citizens who have done honour to Philadelphia,



none ever more truly deserved the character of a Mecænas, than William M'Clure, Esqr. a native of Scotland, but long a resident in this city, formerly of the firm of M'Clure & Robertson. He made a handsome fortune by commerce; and, being ardently devoted to the promotion of the arts and sciences, was one of the principal founders of the Academy of Natural Sciences in this city, an institution whose reputation stands deservedly high in Europe. To this society, Mr. M'Clure has presented numerous and splendid collections of books, purchased at various times on the continent of Europe, containing many of the most valuable works extant, on natural philosophy, geology, mineralogy, chemistry, and botany. The whole number of volumes is about ten thousand, which, with the valuable philosophical apparatus, and numerous specimens of minerals, cost ten or twelve thousand dollars.

Being an enthusiastic admirer of the Pestalozzian system of Education, he sent Mr. Neff, and one or two other gentlemen, at a great expense to this country, to open academies on this plan; and I have reason to believe, contributed largely to their support for some time after their arrival. The project failed, whether for want of patronage—a radical unsoundness in the system—or the incapacity of the gentlemen sent here, to carry M. Pestalozzi's views into operation, I cannot determine. But the failure does not detract an iota from the great merit of this estimable citizen in making his wealth subservient to the great cause of, what he presumed to be, the promotion of the illumination and happiness of his fellow men.

*Go—and do thou likewise.*

Communications, properly authenticated, and post paid, addressed—"For the Annals of Beneficence, Post office, Philadelphia," will be thankfully received.

*Philadelphia, Oct. 16, 1823.*

The printers of newspapers throughout the United States who wish to promote the virtue and welfare of their country, are requested to republish these essays.

4

**CATALOGUS**

**UNIVERSITATIS TRANSYLVANIENSIS,**

**MDCCCXXIII.**



*Brevis Universitatis Transylvaniensis Historia prima ab Origine  
ad hoc Tempus.*

A D 1780, Virginiae legistatores octo millia jugerum dedere, qui in scholam publicam in Comitatu\* *Kentuckiensi* impenderentur.

Anno 1783, Comitatus in Provinciam† mutatus, et schola publica SEMINARIUM TRANSYLVANIENSE denominata est. Quinque et viginti erant Curatores, quorum pars major ad agendum necessaria erat. Huic Seminario omnia jura et privilegia Universitatis attributa. Viginti millia jugerum usui ejus applicata, atque et Professores et alumni a militia immunes facti. Præsidis et quinque Curatorum autographa cunctis ejus diplomatibus apponuntur. Bibliotheca et Apparatus Philosophicus a Reverendo *Johanne Todd* e Virginia hoc anno donata. Reverendus *Jacobus Mitchell* primus erat Magister, et munere fungi coepit anno 1785. Seminarii situs LEXINGTONIÆ fixus anno 1788, et jugera sexcenta et quadraginta in usum ejus seposita. Anno 1791, discipulos quinque solum habebat *Isaacus Wilson*. *Kentuckia* sui juris respublica facta Cal: Jun: 1792. Reverendus *Jacobus Moore*, PRIMUS PRÆSES sequenti anno electus est.

Anno 1794, ACADEMIA KENTUCKIENSIS instituta, cui octodecim præerant Curatores, qui, per comitatus diversos habitis conventibus, propositam juventutis institutionem minime promovebant. Hujus academici Reverendus *Andreas Steele*, A B, primus erat Tutor. Mense Decembri anno 1798, *Academia Kentuckiensis* cum *Seminario Transylvaniensi* conjuncta, et in eo mersa exinde UNIVERSITAS TRANSYLVANIENSIS denominata. Multos languescebat annos, donec in suas manus resumpserunt legistatores, et legibus ejus emendatis, novisque nominatis Curatoribus de novo formavere sub PRÆSIDE HOLLEY anno 1818. Ex illo tempore constanter floruit. Hoc anno, inclusis Medicinæ Legisque studiosis, alumni quadringenti in Catalogum ejus fuere relati.

Lexingtoniæ, Septimo Idus Julii, 1823.

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\*Anglice. County.

†Anglice, District.

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# CATALOGUS

SENATUS ACADEMICI,

EORUM

QUI MUNERA ET OFFICIA GESSERUNT,

EORUM

QUIQUE ALICUJUS GRADUS LAUREA DONATI SUNT

IN

UNIVERSITATE TRANSYLVANIENSI,

LEXINGTONIÆ

IN

REPUBLICA KENTUCKIENSI.

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LEXINGTONIÆ,

GULIELMO GIBBES HUNT, TYPOGRAPHO.

.....

MDCCXIII.



1870

1871

1872

1873

## CURATORES.

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[Ab anno 1818, quando ii, habentes potestatem leges ferendi  
in Republica Kentuckiensi, Concilium Curatorum emendaverunt.]

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### ACCESSVS.

### EXITVS.

1818	HENRICUS CLAY, LL D, Rog: Com:	
1818	EDMUNDUS BULLOCK, Armiger.	
1818	ROBERTUS TRIMBLE, Cur: Fœd: Jurid: Kent:	1820
1818	JOHANNES THOMSON MASON, A, M, Cur:	
	Fœd: Kent: Vicecom:	1819
1818	ROBERTUS WICKLIFFE, Conc: Curat: Præfect:	1821
1818	JACOBUS PRENTISS, Cur: Jurid: Indian:	1818
1818	HUBBARD TAYLOR, Armiger.	1819
1818	JOHANNES POPE, e Cong:	1820
1818	LUDOVICUS SAUNDERS, Armiger,	1820
1818	SAMUEL HUGHES WOODSON, e Cong:	1821
1818	JOHANNES BROWN, Rerumpub: Fœd: Sen:	1821
1818	CAROLUS HUMPHREYS, Cur: Jurid: Kent:	
1818	THOMAS BODLEY, Mil: Dux:	
1818	GULIELMUS TAYLOR BARRY, LL D. Rerumpub:	
	Fœd: Sen: Reipub: Kent: Vicegub: Leg: Prof:	1821
1819	*JACOBUS MORRISON, Conc: Curat: Præfect:	1823
1819	JOHANNES WESTLEY HUNT, Armiger.	
1820	ELISÆUS WARFIELD, M D.	
1820	JOSEPHUS CABELL BRECKENRIDGE, A M,	
	Reip: Kent: Sec: Leg: Prof:	1821
1820	REV: JACOBUS FISHBACK, Med: Prof:	
1821	ELISÆUS I WINTER, e Cong:	
1821	GEORGIUS CLARK, Armiger.	1823
1821	REV: GEORGIUS THOMAS CHAPMAN, A M.	
1821	JACOBUS TROTTER, Armiger.	
1821	JOHANNES BRADFORD, Armiger, Conc: Curat:	
	Præfect:	
1821	GULIELMUS LEAVY, Armiger.	
1821	ALEXANDER PARKER, Opp: Præfect:	1822
1821	JOHANNES TILFORD, Armiger.	
1822	CAROLUS WILKINS, Armiger.	
1822	ABRAHAMUS STOUT BARTON, Armiger.	
1823	BENJAMIN GRATZ, A M, Armiger.	
1823	JOHANNES JORDAN CRITTENDEN, Rerum:	
	pub. Fœd: Sen:	



*Catalogus Transylvaniensis.*

## ACCESSUS.

## PRÆSIDES.

## EXITUS.

1793	REV: JACOBUS MOORE,	1794
1794	REV: HENRICUS TOULMIN,	1796
1796	REV: JACOBUS MOORE,	1804
1804	REV: JACOBUS BLYTHE, D D,	1817
1818	REV: HORATIUS HOLLEY, A M, A A S.	

## PROFESSORES.

1788	Elias Jones, Armiger,	****
1799	Samuel Brown, M D, Theo: et Prax: necnon: Chem:	1806
1799	Georgius Nicholas, Leg: et Pol:	1799
1799	Jacobus Brown, I. L D, Leg: et Pol: Rerumpub: Fœd: Sen:	1804
1799	Rev: Jacobus Blythe, D D, Phil: Nat: et Math:	1804
1799	Rev: Jacobus Welch, Ling: Gr: et Lat:	1801
1801	Alexander McKeehan, Ling: Gr: et Lat:	1802
1802	Rev: Andreas Steele, A B, Ling: Gr: et Lat:	1803
1804	Rev: Robertus Hamilton Bishop, A M, olim Eth: et Log: nunc Phil: Nat: et Hist:	
1804	Ebenezer Sharp, Ling: Gr: et Lat:	1818
1805	Henricus Clay, LL D, Leg: et Pol:	1807
1805	Rev: Jacobus Fishback, Theo: et Prax:	1806
1807	Johannes Monroe, Cur: Jurid: Kent: Leg: et Pol:	1807
1809	Benjamin W Dudley, M D, Anat: et Chirurg:	
1809	Josephus Buchanan, Med: Instit:	1810
1809	Jacobus Overton, M D, Theo: et Prax:	1818
1809	Elisaeus Warfield, Chirurg: et Obstet:	1809
1814	Johannes Pope, Leg: et Pol:	1816
1815	Coleman Rogers, Anat: et Chir: Adjunct:	1816
1815	Gulielmus Hall Richardson, M D, Obstet: et Morb: Mul: et Inf:	
1816	Daniel Drake, M D, Mat: Med: et Bot:	1818
1817	Rev: Jacobus Blythe, D D, Chem:	1818
1817	Josephus Cabell Breckenridge, A M, Leg: et Pol:	1820
1819	Constantinus Samuel Rafinesque, A M, Hist: Nat: et Bot:	
1819	Samuel Brown, M D, Theo: et Prax:	
1819	Carolus Caldwell, M D, Med: Instit: et Med: Jurisprud:	
1819	Rev: Jacobus Blythe, D D, Chem:	
1820	Johannes Roche, A M, Ling: Gr: et Lat: Fac: Acad: Sec:	
1820	Johannes Flavel Jenkins, A M, Math: Bib:	
1820	Gulielmus Taylor Barry, LL D, Leg: et Pol: Reip: Kent: Vicegub:	
1822	Jesse Bledsoe, LL D, Leg: Municip: Cur: Jurid: Kent:	
1823	Daniel Drake, M D, Mat: Med: et Bot: Med:	
1823	Robertus Best, Chem: adjunct:	

# Catalogus Transylvaniensis.

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ACCESSUS.	TUTORES.	EXITUS.
1785	Rev: Jacobus Mitchell,	1786
1790	Isaacus Wilson, A B, Ling: Gr: et Lat:	1792
1791	Rev: Jacobus Moore, Ling: Gr: et Lat:	1793
1793	Stephanus Bovell, Ling: Gr: et Lat:	1794
1794	Rev: Johannes Price, Ling: Angl:	1795
1795	Jesse Bledsoe, Ling: Gr: et Lat:, Rerumpub: Fœd: Senat: Reipub: Kent: Sec:	****
1797	Petrus Lafillard, Ling: Gall:	1798
1797	Andreas Steele, A B, Ling: Gr: et Lat:	1802
1803	Jacobus Hamilton, Ling: Gr: et Lat:	1804
1808	M Le Duc, Ling: Gall:	1809
1809	Bertrand Guerin, Ling: Gall:	1812
1812	Stephen H Desforges, Ling: Gall:	1812
1812	Johannes B Fauchier, Ling: Gall:	1814
1813	Jacobus R Brown, Ling: Angl:	1814
1813	Rev: Jacobus McChord, A M, Astron:	1818
1818	Johannes Roche, Ling: Gr: et Lat:	1820
1818	Johannes Everett, A B, Ling: Gr:	1820
1818	Carolus Walker, A B, Ling: Lat:	1820
1819	Benjamin Orr Peers, Ling: Lat:	1810
1820	*Daniel Neil Bradford, A M, Ling: Lat:	1821
1820	Johannes Flavel Jenkins, A B, Math:	1820
1820	Thomas Leaming Caldwell, A B, Ling: Gr:	1820
1820	Carolus Slaughter Morehead, A B, Ling: Gr: et Lat:	1821
1820	Nicolaus Daniel Coleman, A B, Ling: Gr: et Lat:	1821
1821	Johannes Wollaston Tibbatts, A B, Ling: Gr: et Lat:	1822
1821	Benjamin Orr Peers, A B, Ling: Gr: et Lat:	1822
1822	Georgius Owings, A B, Ling: Gr: et Lat:	1823
1822	Mann Butler, A M, Ling: Gr: Lat: et Math:	

## THESAURARI.

****	Johannes Fowler, e Cong:	1792
1792	Samuel Blair,	1821
1821	Thomas Anderson,	1822
1822	Josua Humphreys.	

## BIBLIOTHECARI.

1799	Rev: Jacobus Welch,	1801
1805	Rev: Jacobus Blythe D D,	1817
1819	Carolus Walker, A B,	1820
1820	Johannes Flavel Jenkins A M, Math: Prof:	
1821	Gulielmus Ludovicus Richards, M D, Bib: Med:	



## CATALOGUS

*Eorum, qui ab origine alicujus gradus laurea donati sunt.*

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Ii, quorum nomina in *Italicis* exarantur, Ecclesiarum Pastores vel Evangelii Praedicatores sunt.

Ii, quorum nomina in MAJUSCULIS exarantur, Magistratus Insignes sunt.

Qui ad imum Classium a caeteris, linea interposita, separantur, alibi instituti fuerunt, vel apud nos *Gradu Honorario* donati. Caeteri alumni.

E vivis cesserunt Stelligeri.

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1802.

Robertus R Barr, A B, anno 1822 A M.

JOSIAS S JOHNSON, A B, e Cong:

Augustinus Respass, A B.

1806.

Johannes Todd, A B.

Jacobus Gabriel Trotter, A B, A M 1822.

Thomas Washington, A B.

1809.

Johannes Lawson McCullough, A B, M D 1818.

Thomas Hart Pindell, A B.

Johannes Steele, A B.

---

Josephus Buchanan, A B.

1810.

Johannes Moore McCalla, A B, A M 1822.

GULIELMUS TAYLOR BARRY, LL D, Rerumpub: Fœd: Senat:  
Reipub: Kent: Vicegub: Leg: Prof.

Gulielmus Littell, LL D.

1811.

Isaacus Gwathney, A B.

Jacobus Porter Parker, A B.

Georgius Woolfork, A B.

1816.

Carolus M Cunningham, A B.

1818.

Daniel Coleman, A B.

*Josephus P Cunningham*, A B, Tutor.

Johannes Hudson, A B.

\**Jacobus McChord*, A M, Tutor.

1820.

Nicolaus Daniel Coleman, A B, A M, Tutor.

Edmundus Henricus Hopkins, A B, A M.

Carolus Slaughter Morehead, A B, A M, L B, Tutor.

Samuel Patterson Presley A B.

Olivarius Hart Stout, A B, A M, M D.

Johannes Harvey Wallace, A B, A M.

Andreas Lawrence Wills, A B.

---

*Robertus Hamilton Bishop*, A M, Nat: Phil: et Hist: Prof:

Johannes Roche, A M, Ling: Græc: et Lat: Prof: Fac: Acad:

Sec:

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Elmore Douglas, M D.

Bernardus Gaines Farrar, M D.

Burr Harrison, M D.

Thomas Jewell, M D.

Josephus W Knight, M D.

Gulielmus C Knight, M D.

Thomas W Nelson, M D.

Samuel P Russell, M D.

1821.

Georgius Washington Anderson, A B.

Carolus Scott Bibb, A B.

B



Edvardus Booker Bibb, A B.  
Aylett Buckner, A B, L B.  
Edmundus Taylor Christy, A B.  
Theodorus Wythe Clay, A B, L B.  
Carolus Jacob Cummens, A B.  
Richardus Allen Curd, A B, L B.  
Jephtha Dudleius Garrard, A B.  
Albertus Gallatin Harrison, A B, L B.  
Charlton Hunt, A B.  
Sinclair Kirtley, A B.  
Samuel Vance Marshall, A B.  
Georgius Owings, A B, Tutor.  
Benjamin Orr Peers, A B, Tutor.  
Thomas Paine Taul, A B.  
Johannes Wollaston Tibbatts, A B, L B, Tutor.  
Gulielmus Temple Washington, A B.  
Johannes White, A B.

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\*Daniel Neil Bradford, A M, et Harv: Tutor.  
Johannes Flavel Jenkins, A M, et Harv: Math: Prof:

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Matthæus Anderson, M D.  
Reubenus B Berry, M D.  
Johannes M Briggs, M D.  
Theodorus D Elliott, M D.  
Robertus Paris Gist, M D.  
Jacobus Guild, M D.  
Johannes O Hodges, M D.  
Johannes Lancaster, M D.  
Gulielmus N Merriweather, M D.  
Johannes T Parker, M D.  
Johannes Slavens, M D.  
Jacobus B Sterrett, M D.  
Benjamin C Stout, M D.  
Thomas M Taylor, M D.

1822.

Elias Barnes, A B.

\*Carolus Bickley, A B.

Henricus Innes Bodley, A B.

Gulielmus Stewart Bodley, A B.

Elias Fountain Briggs, A B.

Georgius Washington Brown, A B.

Thomas Jefferson Brown, A B.

Franciscus Kirtley Buford, A B.

Josephus Normanus Bybee, A B, M D.

Gulielmus Clarke, A B.

Nicolaus Croghan, A B.

Johannes Daniel, A B.

Gulielmus Barry Ferguson, A B.

Eugenius Winn Grimes, A B.

Jacobus Orlando Harrison, A B.

Jacobus Jameson, A B.

Petrus Whiting January, A B.

Orville Blanton Martin, A B.

Stephanus Ormsby, A B.

Dabneius Carr Overton, A B.

Gulielmus Prather, A B.

Alfredus Preston Shelby, A B.

Jacobus Taylor, A B.

Manlius Valerius Thomson, A B.

Clifton Rhodes Thomson, A B.

Robertus Wickliffe, A B.

Vachel Worthington, A B.

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JOHANNES BOYLE, LL D, Car: Sup: Kent: Jurid:

Gualterus Brashear, M D.

Robertus Jefferson Breckenridge, A M, et Col: Con:

JACOBUS BROWN, LL D, Leg: et Pol: Prof: Rerumpub: Fæd:

Senat:

HENRICUS CLAY, LL D, Rog: Com: Fæd: Leg: et Pol: Prof:



*Thomas Cleland*, D D.

*Gulielmus Gibbes Hunt*, A M, et Harv:

*Johannes Thomson Mason*, A M, Fœd: Kent: Vicecom:

*Constantinus Samuel Rafinesque*, A M, Hist: Nat: et Bot:  
Prof:

*Martin Ruter*, D D, Ling: Or: Col: Cin: Prof:

---

*Johannes R Abbay*, M D.

*Gulielmus W Baker*, M D.

*Jacobus R Black*, M D.

*Johannes Williams Brite*, M D.

*Pleasant H Butler*, M D.

*Langston Cooper*, M D.

*G F H Crockett*, M D.

*Jacobus C Cross*, M D.

*Gulielmus Dixon*, M D.

*Henricus Georgius Doyle*, M D.

*Gualterus H Drane*, M D.

*Edvardus C Drane*, M D.

*Thomas S Francis*, M D.

*Josias Hale*, M D.

*Jacobus W Hoggatt*, M D.

*J B Hopson*, M D.

*Thomas Hunt*, M D.

*Elibu Kilpatrick*, M D.

*Jacobus A McPheters*, M D.

*Henricus Miller*, M D.

*Joel Miller*, M D.

*Daniel A Million*, M D.

*Robertus Montgomery*, M D.

*Daniel T Orr*, M D.

*Jacobus P Parker*, M D.

*Robertus Monroe Pearce*, M D.

*David Pointer*, M D.

*Gulielmus H Price*, M D.

Gulielmus Reid, M D.  
Gulielmus A Rogers, M D.  
Thomas D Singleton, M D.  
Carolus J Walker, M D.  
Robertus L Wiley, M D.  
Thomas M Wooldridge, M D.  
Briannus R Young, M D.

1823.

Johannes F Anderson, A B.  
Georgius Washington Ashbridge, A B.  
Johannes Meredith Bass, A B.  
Samuel Davis Blythe, A B.  
Henricus Bryson, A B.  
Jacobus McDowell Campbell, A B.  
Eugenius Glendower Cates, A B.  
Edwin Thomas Clark, A B.  
Gulielmus Craig, A B.  
Simeon Harrison Crane, A B.  
Albertus Gallatin Creath, A B.  
Gulielmus Dimmitt, A B.  
Solomon Weathersbee Downs, A B.  
Samuel Davis Frierson, A B.  
Gulielmus Garrard, A B.  
Nathaniel Hart, A B.  
Gulielmus Hawkins, A B.  
Johannes Holloway, A B.  
Madison Conyers Johnson, A B.  
Georgius Logan, A B.  
Josephus Glass Marshall, A B.  
Johannes Colvin Mason, A B.  
Philip Clayton Morehead, A B.  
Henricus Johannes Peck, A B.  
Gulielmus Preston Smith, A B.  
Robertus Winlock Steele, A B.  
Johannes Drake Taylor, A B.  
Rowland Madison Thomas, A B.  
Edvardus Augustus Turpin, A B.



Gulielmus Harris Wharton, A B.  
 Johannes Overton Wharton, A B.  
 Georgius Washington Williams, A B.

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Simeon Hopkins Anderson, L B.  
 Elihu Barclay, L B.  
 Richardus Matthews Gaines, L B.  
 Elias Hise, L B.  
 Jacobus Franklin Doughty Lanier, L B.  
 Samuel McRoberts, L B.  
 Johannes Jacobus Mercier, A B, L B.  
 Thomas Bell Monroe, L B.  
 Andreas Gulielmus Parker, L B.  
 Gwynn Reed Tompkins, L B.  
 Stephanus Whicher, L B.

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JESSE BLEDSOE, LL D, Leg: Municip: Prof: Cur: Jurid:  
 Kent: Rerumpub: Fæd: Sen:

JACOB BURNETT, LL D.  
 Mann Butler, A M.  
*Jacobus Fishback*, D D.  
 Samuel Hogg, M D.  
 JOHANNES ROWAN, LL D, e Cong:  
 Johannes Steele, M D.  
 HUGH LAWSON WHITE, LL D, e Cong:  
 Samuel Wilson, A M.  
 Johannes Ramsay Witherspoon, M D.

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Jacobus Alexander Blackmore, M D.  
 Edmundus Lloyd Briggs, M D.  
 Samuel Cartwright, M D.  
 Harveius Johnson Cathcart, M D.  
 Jacobus Mitchell Cook, M D.  
 Jacobus Madison Davenport, M D.  
 Johannes Penner De Clary, M D.  
 Samuel Dodson, M D.  
 Johannes Drake, M D.

Jephtha Dudley, M D.  
Andreas Wilson Elder, M D.  
Urbio Epinetus Ewing, M D.  
Benjamin Franklin Gray, M D.  
Samuel Gregg, M D.  
Henricus Hannum, M D.  
Rogerus Harding, M D.  
Gulielmus Thomas Hodge, M D.  
Jacobus Hughes Humphreys, M D.  
Archibaldus Brown Johnson, M D.  
Christophorus Lillaird Jones, M D.  
Thomas King, M D.  
Josephus Kinnaird, M D.  
Robertus Warner Lewis, M D.  
Josephus Livingston Maxwell, M D.  
Samuel Lytler Metcalf, M D.  
Jesse Miller, M D.  
Josephus Addison Moore, M D.  
Jacob Bedinger Morgan, M D.  
Gulielmus Nelson, M D.  
Georgius Parrish, M D.  
Gulielmus Calvinus Pennick, M D.  
Johannes Henslie Ray, M D.  
Gulielmus Ludovicus Richards, M D.  
Loammi Rigdon, M D.  
Johannes Holmes Saunders, M D.  
Johannes Hathorne Savage, M D.  
Isaacus Patrick Simpson, M D.  
Samuel Slaughter, M D.  
Samuel Theobald, M D.  
Georgius Venable, M D.  
Robertus Walworth Walker, M D.  
Alexander M Walker, M D.  
Jacobus Petrus Williams, M D.  
Johannes Thomas Jefferson Wilson, M D.  
Jacobus Minto Witherspoon, M D.



Johannes Benoni Witherspoon, M D.

Johannes Ludovicus Wynne, M D.

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Numerus integer, - -	245	E vivis cesserunt stelligeri, 3
Clerici, - - - - -	6	Supersunt adhuc, - - - - 242
Magistratus, - - - - -	9	

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**Clarissimo JOHANNI ADAIR, Armigero,**

GUBERNATORI;

*Honoratissimo GULIELMO TAYLOR BARRY, L L D, Armigero,*

VICE GUBERNATORI;

**SENATORIBUS ET DELEGATIS**

REIPUBLICÆ KENTUCKIENSIS;

**CURATORIBUS COLENDIS ET ÆSTIMANDIS**

**Universitatis Transylvaniensis;**

*Reverendo HORATIO HOLLEY, A M, A A S,*

PRÆSIDI;

**TOTI SENATUI ACADEMICO;**

**VENERANDISQUE ECCLESiarUM PASSIM PASTORIBUS;**

*Universis denique, ubicunque terrarum, Humanitatis Cultoribus,  
Reique Publicæ nostræ Literariæ Fautoribus;*

**THESES HASCE JUVENES IN ARTIBUS INITIATI,**

Johannes F Anderson,  
Georgius Washington Ashbridge,  
Johannes Meredith Bass,  
Samuel Davis Blythe,  
Henricus Bryson,  
Johannes M'Dowell Campbell,  
Eugenius Glendower Cates,  
Edwin Thomas Clark,  
Gulielmus Craig,  
Simeon Harrison Crane,  
Albertus Gallatin Creath,  
Gulielmus Dimmitt,  
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Johannes Drake Taylor,  
Rowland Madison Thomas,  
Edvardus Augustus Turpin,  
Gulielmus Harris Wharton,  
Johannes Overton Wharton,  
Georgius Washington Williams,  
*humillime dedicant.*

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AULÆ ACADEMICÆ LEXINGTONIÆ, IN REPUBLICA  
KENTUCKIENSI, SEPTIMO IDUS JULII, ANNO SALUTIS  
MDCCXXIII, RERUMQUE PUBLICARUM FÆDERATARUM  
AMERICÆ SUMMÆ POTESTATIS XLVII.

E TYPIS GULIELMI GIBBES HUNT.





# THESES.

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## THESES DE INGENUIS ARTIBUS.

1. Artes ingenuæ secundum suas relationes sunt divisæ.
2. Hæ artes duplices proprietates habent.
3. Illa ad visum, altera ad auditum pertinet.
4. Prima, quæ ad visum attinet, in artem pictoriam, sculpturam, culturam hortorum, et architecturam, est divisa.
5. Altera, quæ ad auditum pertinet, in artem poeticam et musicam, divisa.
6. Elegantes artes, ut a machinali scientia distinguerentur, sunt appellatæ.
7. Illæ non sunt tam necessitatibus, quam humanæ vitæ elegantibus, accommodatæ.
8. Propter hoc, tamen indignæ nostra cognitione non estimarentur.
9. Benigna natura non solum nos vivere, sed ut feliciter vivamus, fecit.

GEORGIUS WASHINGTON ASHBRIDGE.

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## THESES HISTORICÆ.

1. Historia factorum morumque enarratio est in hominum institutionem relatorum.
2. Quoad materiam, in civilem, ecclesiasticam, aut militarem dividitur.
3. Quoad tempus, antiqua aut recens est.
4. Quum præcipere præcipuus sit historiæ usus, historici mentem æquitate, sinceritate, dignitate et philosophia quam maxime imbui decet.
5. Non omnis factorum enarratio digna est quæ historia vocetur.
6. Historiæ materia digna sit necesse, et ita narrari decet, ut nobis inde quod imitemur capiamus.
7. Tam annales et commentaria, quam vitarum, personarum, et opinionum descriptionem, comprehendit historia.
8. Recte ordinata historia et universalis et specialis est.



9. Universalis est, quum de quovis regno integra exhibetur historia, ut, Titi Livii de Romano.

10. Specialis certi annorum numeri eventus tractat, ut Xenophontis de Cyri Institutione libri octo.

SAMUEL DAVIS BLYTHE.

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### THESES MYTHOLOGICÆ.

1. Mythologia scientia fabularum est, tractatque earum historiam et originem.

2. Ex amore cujusvis miri et novi, et propensione ad personificationem ortæ sunt fabulæ

3. Ergo, antiquæ orientis gentes, quibus pervivida fuit vis imaginandi, maxime fabulis delectabantur.

4. Inclinatio animi humani, ejus affectus super inanimatas res diffundere, cum proprie restricta, est naturæ maximæ voluptati, sed immoderata ad cultum idolorum tendit.

5. Incultis statibus societatis, cum homines impulsu plus quam ratiocinatione abstracta reguntur, fabulæ semper fuerunt instrumenta simplicissima virtutem docendi.

6. Antiqua mythologia in numerum deorum illos refert qui virtute erant conspicui: hoc, quamvis non designabat ævum rationis et philosophiæ, tamen erat propitium cultui virtutis affectibusque antiquorum honorabile.

7. Reverentia antiquorum in familiares deos, illorum amorem patriæ valde excitabat.

8. Antiqua mythologia erat præcipue utilis, vinculis amicitiae et hospitii civitates et regna, quæ erant curæ iisdem Diis, conjungendo.

9. Fabulæ de antiquis Diis, quamvis incredibiles, tamen amœnæ sunt, et intime cum historia, artibus, et scientia illorum temporum conjunguntur.

GULIELMUS CRAIG.

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### THESES METAPHYSICÆ.

1. Metaphysica scientia mentis sunt.

2. Metaphysica non proprie mentis substantiam, sed ejus phenomena tractant.

3. Non magni momenti est, substantiam ultimam mentis nescere.

4. In philosophia naturali, ejus phænomena solum intelligimus.

5. In philosophia naturali, mens tam utilis in comparanda notitia est, quam in metaphysicis.

6. Phænomena mentis in externos et internos status divisa sunt.

7. Externi status, illæ affectiones mentis sunt, quæ proxime per aliquos motus nervorum sensus producuntur.

8. Interni status illæ affectiones mentis sunt, quæ nullam proximam externam causam habent.

9. Studium Metaphysicorum valde utile est hominibus in omni statu vitae.

GULIELMUS DIMMITT.

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### THESES POLITICÆ.

1. Politica Scientia imperii naturam et originem tractat.

2. Principia Scientiæ Politicæ in natura mentis humanæ sunt inventa.

3. Hæc Scientia necessarie hominum cum prima consociatione conjungitur et mutatur, ut societas latius se diffundit.

4. In initio societatis imperium aut patriarchale aut militare est.

5. In nationibus late patentibus et copiosis, summum imperium aut penes populum aut optimates aut regem est.

6. Ea forma imperii optima est, quæ de tribus composita est.

7. Quo major hominum imperio sub ullo intelligentia fiet, eo liberius fiet imperium.

8. Imperii errores plerumque tarde et sensim corrigantur.

9. Illum qui studet sese politicæ scientiæ peritum fieri, mentis Philosophiam penitus intelligere decet.

SOLOMON WEATHERSBEE DOWNS.

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### THESES PHILOLOGICÆ.

1. Philologia scientia quæ de omnibus linguis disserit.

2. Est in duas partes, specialem et generalem, divisa.

3. Philologia specialis, naturam et varias modificationes proprias ulli linguæ tractat.



4. Philologia universalis rudimenta omnibus linguis communia docet.

5. Cujuscunque linguæ elementa prima admodum pauca sunt, sed ut optimum statum accedit, ita numerosa et multiplicia magis fiunt.

6. Substantivum et verbum ad ullam linguam sunt necessaria formandam.

7. Hæc scientia diu minimi momenti fuit æstimata, sed recenter doctorum ubique gentium attentionem meruit.

8. Origo et progressus linguæ in doctrina universa, et virtute humanæ mentis processum exemplificat.

9. Utilitas, momentumque hujus scientiæ ab illis solis æstimari potest, qui connexionem intimam cum aliis scientiis ejusque potestatem in animi facultates evolvendo intelligunt.

SAMUEL DAVIS FRIERSON.

#### THESES DE ANIMI AFFECTIBUS.

1. Hi impetus magnam classem mentis humanæ affectionum constituunt, cæterisque facultatibus solum distinguuntur vigore agendi.

2. In tres partes divisi sunt, viz, Extemporales, qui nullum ad tempus pertinent; Respicientes, ad præteritum; atque Prospicientes, ad futurum tempus omnino pertinentes.

3. Extemporalium iterum classes duæ sunt; prima, eorum qui virtuti favent, ut amor, odium, et qui virtutem ac vitium distinguunt; secunda, eorum qui ad recte formandos mores minime attinent, ut tristitia, lætitia, animi stupor, sublimitas, et ludicrum.

4. Respicientes in eos divisi ad nosmetipsos pertinentes, ut animi dolorem, gaudium, æquanimitatem, atque in eos ad alios pertinentes, ut iram, animum gratum.

5. Prospicientes, et timores et cupidines complectentes, brevitas causa, in decem classes rediguntur, viz, studium vitæ, voluptatis, motus, societatis, scientiæ, potentiæ, ut in ambitione et avaritia apparet, existimationis, famæ, prosperitatis amicorum, atque miseriæ inimicorum.

6. Utilitas affectionum satis illustratur considerando ex-ita ad ultimum producta.

7. Felicitas magna est res quam sibi homines præcipue proponunt, atque hæc certe augetur studiis proprie gubernandis.

8. Ingrate Dei munera intelligerentur, si ei culpam nos obijceremus inserendi naturæ humanæ facultates ad creandam miseriam proprie accomodatas.

9. Itaque hoc cogendum est nobis, has facultates non solum virtutem ac felicitatem nostram promovere, sed etiam nobis in rerum natura esse omnino necessarias.

NATHANIEL HART.

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### THESES SUPER PHYSIOLOGIA ANIMI.

1. Physiologia animi ea pars est philosophiæ animi, quæ ejus varios status, ut investigationis physicæ materiam, contemplatur.

2. Non ratiocinatio 'a priori,' sed observatio et experientia sola, scientiam accuratam animi præbent.

3. Physiologia animi et Ethica in hoc differunt; status animi ut facta physica observat et ordinate disponit illa, ad eorum proprietatem spectat hæc.

4. Animi in physiologica investigatione, animus agens est æque ac materies et operationis instrumentum.

5. Status animi tantum animus varie affectus sunt.

6. Memoriae facultate, animus investigationis per analysis materies fit.

7. Animi status in duas classes dividuntur, externam et internam. vel illos qui a substantiarum externarum perceptione oriuntur, et illos qui ab interna exercitatione animi nascuntur.

8. Status interni sex sensus includunt, viz, odoratum, saporem, audiendi vim, tactum, visum, et resistendi potestatem.

9. Status interni et ad intellectum et ad affectus pertinent; primo genere simplicem et relativam suggestionem includente, secundo in extemporales, retrospectivos, et prospectivos diviso.

GULIELMUS HAWKINS.

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### THESES ALGEBRAICÆ.

1. Algebra a symbolis computandi scientia est.

2. Hæc symbola literæ sunt, quarum primæ, ut A, B, C, notæ, et postremæ, ut X, Y, Z, ignotæ quantitates sunt.

3. Quantitates minus aut plus sunt, id est, subtrahendæ aut addendæ.



4. Omnes leges, quibus resolvantur equationes, ex hoc pendent: si quod in una, idem in altera parte peragitur, equatio conservatur.

5. Subtractio minus, additio plus quantitatum est, et vice versa, sic  $\overline{a - | - x} - \overline{b - | - y} = \overline{a - | - x} - \overline{b - | - y}$ . Hinc

6. Cum quantitates ad alteram partem equationis transferuntur, earum signa invertuntur.

7. Plus X aut  $\div$  plus, quoque minus X aut  $\div$  minus, plus, sed minus X aut  $\div$  plus, minus fit.

8. Indices ullius potestatis binomialis obtineantur, si index primæ literæ in prima quantitate, potestatis exponentis est, et in reliquis unitate decrescunt; indices secundæ crescentes unitate, sunt numeri, 0, 1, 2, 3, &c. Et

9. Coefficientes sunt sic: prima = illi radicis potestatis, secunda = primæ X prima indice, et  $\div$  numero præcedentium quantitatum, tertia = secundæ X secunda indice et  $\div$  numero præcedentium quantitatum &c.

10. Hinc formula ullius potestatis obtineatur, sic,

$$(a - | - b)^m = a^m - \left\{ -\frac{m}{1} a^{m-1} b - \left\{ -\frac{m}{1} X \frac{m-1}{2} a^{m-2} b^2 - \frac{1}{1} \frac{m}{1} X \frac{m-1}{2} X \frac{m-2}{3} a^{m-3} b^3 \right. \right.$$

&c.

MADISON CONYERS JOHNSON.

### THESES DE CAUSATIONE.

1. Causatio est ea cognitio quæ immutabilem consequentiam in natura tractat.

2. Ad explicationem omnium rerum mysticarum, animæ conceptarum, quibus cum opera naturæ alia ex aliis conjungantur, adducit.

3. Quæ proprietates substantiarum quemvis exitum producant ex causa ac effecto minime discamus.

4. Deprehendere tantum quid quemvis exitum constanter antecedit, causatio molitur, cujus nomen est causa aut principium; dum contra quod certo succedat, effectum aut consequentia nuncupatur.

5. In natura nullus actor mysticus est qui consecutionem conjunctim perpetuat.

6. Vis quæ his effectibus diversis faciendis idonea putatur tantum est principium proximum et immutabile.

7. In ulla consecutione causa principium proximum et constans solum est.

8. Effectum in consequentia qualibet est exitus constans et nullam rem intercedentem habens.

9. Nostra intelligentia efficaciam causæ ac effecti, opinione in constitutione humanæ naturæ fundata, rebus se pares habentibus pares mutationes promoveri, nata est.

JOHANNES F ANDERSON.

## THESES POETICÆ.

1. Poesis ars est quæ creat et imitatur et quæ numeris plerumque componitur: ex imaginatione maxime pendet.

2. Poeseos fundamentum in natura humana locatur, et antiquarum omnium nationum consensu prosa vetustior est.

3. Ad imaginationem delectandam optimis præceptis mentem imbuendo, et ad affectiones cordis humani nobilissimas eliciendas accommodata est Poesis.

4. Quinque poeseos sunt genera; Pastorale, Lyricum, Didacticum, Epicum et Dramaticum.

5. Pastorale, rerum rusticarum personarumque, et pastorum negotiorum est descriptio.

6. Lyricum, Deorum Heroumque laudes et facinorum bellicosorum celebrationem continet.

7. Didactici est, mentem recte moribus instituere: Epici vero, res gestas claras poetice narrare.

8. Dramaticum, in Comœdiam et Tragœdiam dividitur secundum materiam, seu levem et hilarem, seu gravem et animis commovendis idoneam: posterior, affectus, virtutes et flagitia hominum depingit; prior, levitatem, imbecillitatem et ad voluptatem propensionem ostendit.

9. Poesis hominum ingenia formandi, libertatem et patriæ amorem incitandi et conservandi est modus perquam potens et admodum jucundus: mentem quoque purificat et virtutis principia roborat.

JOHANNES MEREDITH BASS.

## THESES CHYMICÆ.

1. Ars Chymica indagacionem omnium attractionum, quæ intervallo incerto inter particulas materiæ fiunt, docet.

B



2. Scientiæ hæc sunt duæ rationes efficiendi ea quæ velit, Analysis ac Synthesis.

3. Altera tantum est separatio materiarum quarum conjunctio substantiam concretam conficit.

4. Altera est formatio compositionis artificiose particulas dissimiles jungendo.

5. Propter multa consilia clara quibus promovendis hæc scientia magno usui fuit, altissimum dignitatis gradum temporibus hodiernis obtinet.

6. Origo hujus scientiæ aliis comparata recens est, cum nec Græcis nec Romanis ante imperium Constantini nota est, quibusdam contemplationibus obscuris et vanis exceptis quæ ab illis de elementis quatuor sunt factæ.

7. Seculo circiter decimo quinto progressio ejus maxime accelerari cœpit, ac in decimo septimo orta est Chymia philosophica, ad formam systematis redacta et inter scientias numerata.

8. Ex quo tempore hæc ars in partitionibus duabus magnis respiceretur, speculativa et practica.

9. Pars speculativa philosophiam artis Chymicæ, et omnia illa systemata late potentia complectitur, quibus homines ingenio eminentes in seculis diversis et cum vario successu numerum phænomenorum connectere conati sunt.

10. Pars practica reciprocam in se invicem potestatem inter omnes substantias simplices, in universum comprehendit.

HENRICUS BRYSON.

### THESES DRAMATICÆ.

1. Drama affectionum, rerum gestarum et morum hominum representatio est.

2. In tragœdiam et comœdiam drama est divisum.

3. Tragœdia aliqua gesta præclara hominum illustrium ostendit, et maxima ex parte eventum habet infaustum.

4. Tragœdia præcipue ad vehementes ardentesque cordis motus dirigitur, et affectiones humanas maxime afficit.

5. Comœdia rerum domesticarum et familiarium expositio est.

6. Ad virtutis humanitatisque vera præcepta docenda et ad hominum ineptias et pravitates castigandas adaptata est comœdia.

7. Tragœdia et Comœdia hominum indicant indoles

eorumque ingenium ferox et intractabile emolliunt, amicitiae, benevolentiae et liberalitatis utilitatem monstrando.

8 Ludos scenicos magnifice repræsentabant Græci et Romani: non solum occupationem dignissimam et rationi maxime consentaneam, sed etiam ad religionem pertinere judicabant.

9 Drama ad mentem super res humiles frivolasque elevandam præcipue accommodata est; et ut in speculo humani corporis forma exhibetur, sic hominum affectus et facinora in dramate ostenduntur.

ALBERTUS GALLATIN CREATH.

### THESES MECHANICÆ.

1 Illa scientia, quæ de motu et potestate inanimatæ materiæ disserit, mechanica est appellata.

2 Mechanica scientia tam necessarie cum vitæ negotio conjungitur, ut in eam colendam etiam in primis ætatibus homines animum intenderent; et nunc ubique terrarum hominum maximi ingenii et facultates et multum temporis occupat.

3 Mechanica instrumenta sunt, asser, rota et axis, trochlea, cuneus, cochlea et planities inclinata.

4 Instrumentorum horum applicatio laboranti robur non addit, sed vires ejus efficaciores reddit.

5 Hæc scientia machinas facere docet, et leges quibus hæ machinæ ordinantur explicat.

6 In machinis formandis simplicitas, vilitas, et idonea contra fricationem et laxitatem partium, quæ eas componunt, præparatio, res sunt maximi momenti.

7 In hac scientia materia quæ occupatur proposito sit apta et talis quæ facile reponatur.

8 Patria nostra, quamvis nova, plerisque aliis in usu inventionum illarum quæ ad hanc scientiam pertinent præstat, nostrasque PERKINS inter clarissimos utilissimosque cives habetur.

9 Liberi imperii et institutionum liberalium bona omnes jam sentire incipiunt, nostri namque cives, talibus occupationibus et rebus, quas ipsi plurimi æstimant, animos applicare instigantur.

GULIELMUS GARRARD.



THESES LEXICOGRAPHICÆ.

1. Lexicographia dictionaria, lexica et vocabularia componere docet.

2. Dictionarium cujusvis linguæ verba quomodo explicentur et disponantur, monstrat.

3. Lexicon ad Græcam aliasque orientis linguas refertur; Vocabularium minor est dictionarii species, quæ verborum derivationes et definitiones non tam minute explicat.

4. Proprium omnis literæ sonum, et omnis verbi accentum lexicographi est dare; et pro ullius linguæ a regulis declinatione sit cura in componendo ejus dictionario.

5. Ideo Anglicæ dictionarium linguæ ullo alio difficilior est recte compilare, quum ex tam multis aliis linguis sit derivata.

6. Tam omnium artium quam linguarum sunt quoque dictionaria, quibus componendis maxima impenderetur cura.

8. Lexica anglice illis qui anglice loquuntur exponi debeant; namque ab illa lingua, a qua derivantur aliæ, maxime naturale est incipere.

9. Optimorum igitur lexicorum et dictionariorum copia sit unicuique, qui ullam linguam aut artem penitus cognoscere studet.

JACOBUS M'DOWELL CAMPBELL.

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THESES DE ARTE CRITICA.

1. Critica ars judicii et saporis ad ingenuas artes applicatio est.

2. Hujus artis propositum est duplex, quicquid elegans est distinguere, et quicquid culpari dignum est eligere.

3. Rebus ad literas pertinentibus plerumque applicatur.

4. Ex experientia bene ordinata originem trahit.

5. Mentis humanæ affectionum et sensuum notitiam requirit perfectam.

6. Inter artes generi humano utilissimas est hæc, quum sibi præscriptis indicare proponit, quid vitent aut sequantur homines.

7. Ingenii exercitationem præpedit Critice, cum propositum ejus sit ignotum.

8. E natura oriuntur hujus artis causæ, et ad omnia gentis humanæ opera effecta ejus salubria pertinent.

EUGENIUS GLENDOWER CATES.

## THESES DE PHILOSOPHIA NATURALI.

1 Philosophia Naturalis varia materiæ phænomena investigat, et explicationum veritatem experimentis manifestis probat.

2 In aliorum nostrorumque testimonio sensuum fundatur hæc scientia.

3 Philosophiæ Naturalis quinque sunt divisiones; Mechanica, Hydrostatica, Pneumatica, Hydraulica et Optica.

4 Mechanica scientia est, quæ motus leges effectaque quæ ab illis producuntur machinis applicatis tractat.

5 Hydrostatica naturam, gravitatem, pressuram, motumque explicat liquidorum quæ resiliendi vi sunt prædita aut non.

6 Pneumatica naturam proprietatesque tractat illorum liquidorum quæ comprimi possunt, et quæ resiliendi vi sunt prædita.

8 Hydraulica fluidorum moventium leges constructionemque machinarum ad illas movendas, cum ventorum sonorum, fontium, æstuumque natura et causa docet.

8 Optica lucis colorumque naturam, visionis causam, et instrumentorum optidorum constructionem explicat.

9 Per intimam legum phænomenorumque materiæ notitiam nostrarum facultates mentium augemus, et potentiam bonitatemque Dei infinitam melius intelligere possumus.

EDWIN THOMAS CLARKE.

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## THESES LOGICÆ.

1 In veri investigatione et in illius ad alios communicatione animi dotes dirigere, est logices.

2 Logice in recto verborum usu instituit atque genera diversa discernit.

3 Materies quas tractat logice, sunt triplices.

4 Prima, principum mentis facultatum et operationum descriptio brevis est: secunda, verborum generum variorum et propositionum: tertia, evidentiae moralis et demonstrativæ, disputationis modorum diversorum sophismatis atque ordinis descriptio est.

5 Prima facultas, quæ in humano animo videtur, perceptio est. Instrumenta perceptionis sex sensus corporei sunt, videlicet, visio, tactus, auditio, gustatio, odoratio, et repugnantiae sensus.



6 Verba aut simplicia aut multiplicia sunt. Verbum simplex est unicum; multiplex e duobus aut pluribus verbis constat, rem aliquam ostendentibus, quæ vel consociatio vel propositionis materies sit.

7 Evidentia moralis ea probationis species est, quæ de rebus agit directe aut indirecte cum nostra morali vitæ ratione junctis.

8 Demonstrativa ea est, quæ, relationibus immutabilibus nominibus generalibus expressis est deducta.

9 Varia ratiocinandi genera sunt ab inductione, analogia, atque factis.

JOHANNES HOLLOWAY.

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### THESES ARCHAIOLOGICÆ.

1 Archaiologia nomen est omnibus annalibus datum a majoribus nobis traditis, omnes res continens, quas homines docti collegere.

2 Archaiologia, ut scientia, rerum magni momenti varietatem includit.

3 In obscura nos et antiqua historiæ tempora reducit.

4 Non solum societatis sed etiam variorum tribuum atque gentium originem una cum imperiis, institutionibus, religionibusque, docet.

5 Archaiologia, ex materierum varietate, quas tractat in ecclesiasticam, politicam, literariam, et domesticam dividatur.

6 In omnibus moribus consuetudinibusque antiquorum homines institutere proponit, quæ cum hilares, tum ad docendum sunt aptæ.

7 Ab horum notitia multas superstitiones explicare possumus, quæ traditæ nobis fuere.

8 Ex archaiologia de nationum veterum in scientia et artibus progressu sumus certiores facti, etiamque de hominibus summis, qui in promovenda humana virtute et felicitate utiles fuere.

9 In archaiologia eloquentiæ æque ac picturæ exempla habemus, e quibus, in parando nos ad societatis utilitatem, multas utiles lectiones deducamus.

GEORGIUS LOGAN.

## THESES GEORGICÆ.

1. Agricultura terram colere et pecora alere docet.
2. Terræ cultura in partes tres dividitur, viz: agricultura, horticulturam et pastum.
3. Agricultura terram parare docet, quo producantur messes quæ annuo labore carent. Culturæ modus magna ex parte ex soli et aeris natura pendet.
4. Non nisi in gentibus ad humanitatem magis excultis invenitur horticultura, quum et imaginationis et saporis egeat, et ad voluptatem magis quam ad utilitatem comparetur. Adeo inter ingenuas ponitur artes.
5. Antiquissimus est pastus, namque antiquitus pecora pascendo degebant homines. Vetustissimus sed non utilis-  
simus est culturæ modus.
6. E cultu terræ societas pendet. Terræ frugibus vescuntur homines suis laboribus paratis, et ubi maxima culturæ impenditur cura, ibi maxime promoventur humani generis incrementum, virtus et prosperitas.

JOSEPHUS GLASS MARSHALL.

## THESES DE SECTIONIBUS CONICIS.

1. Sectiones Conicæ figuræ sunt mutua intersectione planitiei et conii formatæ.
2. Quinque solum figuræ ex conii et planitiei intersectione formari possunt, viz, circulus, triangulum, ellipsis, hyperbola et parabola.
3. Ex his, ellipsis, hyperbola et parabola in hac parte mathematicæ tantummodo tractantur.
4. Conicæ figuræ proprietatum demonstrationes geometricæ fere et algebraicæ sunt.
5. In ellipse et hyperbola ordinatorum quadræ in se invicem sunt ut abscessuum rectanguli; in parabola, ut ipsi abscessus.
6. Ellipsis et hyperbola centrum habent; non ita parabola.
7. In parabola proportionale tertium abscessui cuicunque ejusque ordinato parametrum vocatur; in ellipse et hyperbola transversis conjugatisque axibus parametrum tertium est proportionale.
8. A centro et verticibus æque distant foci in ellipse et hyperbola.



9. Pleraque ellipsi propria hyperbolæ communia sunt; parabolæ vero nonnulla.

10. Conicis absque sectionibus recte intelligi Astronomia non potest.

JOHANNES COLVIN MASON.

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THESES ASTRONOMICÆ.

1. Astronomia corpora cœlestia sibi proponit describere.

2. In physicam et puram dividitur; quarum prior magnitudines, motus et periodos astrorum tractat; posterior, horum omnium causas.

3. Præcipuæ stellarum divisiones sunt; planetæ, cometæ, et fixæ.

4. Stellarum glomeramina animalium nomina accepere, quibus quodammodo similes putabantur.

5. In vacuo moventur cœlestia corpora.

6. Vis qua gubernantur est duplex; attractio ponderationis, et repulsio.

7. Testimonii in astronomia tres sunt species; alius probatio, ipsius observatio et demonstratio mathematica.

8. In aliis quoque artibus præterquam geographia et navigatione usurpatur astronomia.

9. Quum hæc scientia phænomena cœlestia nos doceat, omnipotentia, omniscientia, et benevolentia Creatoris nostri sic nos certiores facit, eoque modo idololatriam cohibet.

HENRICUS JOHANNES PECK.

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THESES GEOMETRICÆ.

1. Geometria extensionis est doctrina, i: e: linearum, superficierum et solidorum.

2. Geometriæ usus est pene infinitus: paucae enim sunt ideæ quæ animis nostris per lineas exprimi non possunt.

3. In rectas et curvas dividuntur lineæ; et in mutua relatione, parallelæ, inclinatæ aut perpendiculares sunt.

4. Figurarum rationem habemus ex earum terminis, ut, triangula, quadrilateralia, &c.

5. Solida consideramus pro superficierum et basium diversitate, ut, prisma, parallelopipedon, &c.

6. Analytica denominatur Geometria, quum investigationes ejus præcipue pendent ex arithmetica speciosa.

7. In positione dari dicitur punctum, quum ad duas lineas refertur. quarum anguli in se invicem sunt recti.

8. In positione dicitur linea dari, quum directio et situs ejus noscuntur; et in magnitudine, quum nositur ejus longitudo.

9. Conversæ aut contrariæ sunt propositiones. Conversis ambobus licet esse veris; contrariis vero nunquam.

10. Scientiæ physicæ basis vocetur Geometria, ejusque usus in omnibus vitæ negotiis est magnus.

GULIELMUS PRESTON SMITH.

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### THESES DE COMMERCIO.

1. commercium unius regionis productionum permutatio est pro alterius productionibus vel naturæ vel artis.

2. In duas partes dividitur, scilicet, quæ invehuntur aut quæ evehuntur.

3. Invectus commercium in regionem unam alius productiones introducit, ut par pari recipiat.

4. Evectus commercium suæ regionis productiones exportat, ut aliis par pari reddat.

5. In Egypto primum ortum esse dicitur commercium, antiquarum vero maxime gentium a Phœnicibus Carthaginiensibusque fovebatur.

6. Felicitatem et prosperitatem hominum magnopere promovet hæc ars. ideoque ab omnibus publici commodi studiosis diligentissime defendatur.

7. Multæ nationes alimentum et tutamen a commercio deducunt.

8. Mutua hominum commercia, mutua eorum negotia miscentia, illos societatis studiosiores reddit quam aliter fuissent.

9. Hac arte felicitas humana augetur, et homines in omnibus quæ vitam ornant et delectabilem reddunt, ejus ope nixi magnopere proficiunt.

PHILIP CLAYTON MOREHEAD.

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### THESES GEOGRAPHICÆ.

1. Geographia scientia est, quæ telluris faciem delineat.

2. In universalem et specialem, antiquam et recentem, historicalemque dividitur.

3. Universalis terram generaliter describit, non habita regionis ullius præ cæteris ratione.



4 Specialis, instituta religiosa et civilia cujusvis nationis, illius fines, naturales productiones et animalium genera, amnes, et montes quoque explicat.

5 Antiqua, pars illa est, quæ descriptionem locorum illorum quæ erant nota antiquis, usque ad imperii Romani ruinam, comprehendit.

6 Recens chorographiam accuratorem regionum continet quæ ex tempore antiquorum fuere exploratæ.

7. Historialis, vicissitudines politicas religiosasque nationum explicat.

8 Naturalis, divisiones et distinctiones quas in superficiem terræ natura fecit, sermonem et instituta propria incolarum includit.

9 Hæc scientia admodum necessaria est, quia positiones et spatia et commoda ad commercium pertinentia regionum diversarum non discernere possimus sine illius comprehensione.

ROBERTUS WINLOCK STEELE.

### THESES THEOLOGICÆ.

1. Theologia Deum esse docet et quid illi ab hominibus debetur.

2. In duas partes dividitur, Naturalem et Revelatam.

3. Naturalis tam Deum existere quam attributa ejus divina ex corpore rerum demonstrat.

4. Ea religio, quæ per literas sacras docetur, revelata vocatur.

5. Esse Deum et quæ sunt illius attributa monstrat religio naturalis non minus quam revelata.

6. Revelata, cum clarior sit, hominibus omnis fortunæ quæcunque sit animi cultura, aptior est.

7. Naturalis hominibus literis et scientia imbutis est maxime accommodata.

8. Religionis naturalis pictura solum vocetur revelata, quum eadem tantum principia habeat verbis expressa.

9. Homines in Cælum ducet utraque, modo illam fideliter sequantur.

JOHANNES DRAKE TAYLOR.

### THESES LEGALES.

1 Lex mandatum est, cujusvis personæ aut auctoritatis, cujus præceptum obedientiæ rationem facit.

2 Duo legis sunt genera, divinum et humanum.

3 Lex divina sit duplex considerata, naturalis aut moralis, et positiva aut revelata.

4 Moralis ab innato lumine nota est omnibus, ratione naturali dicto.

5 Positiva, a Deo fuit revelata per prophetas suo numine afflatus, solumque sacris in libris patefacta est.

6 Lex humana morum exempla omnia comprehendat, quæ hominis prudentia nata sunt, singulatim aut simul considerata; quæque agendi rationem in societatibus exiguis aut amplificatis dirigere designata sunt.

7 Jus gentium regulas complectitur, quibus tacito aut dicto pacto omnes in alios obedire devincti sunt, sive in pace aut bello.

6 Lex civilis ad jurisdictiones, communitates, aut nationes singulares pertinet.

9 Scientia hæc perutilis est, ut mundi ordinem, harmoniamque dirigat servetque, et prosperitatem humani generis augeat.

ROWLAND MADISON THOMAS.

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### THESES RHETORICÆ.

1 Artis oratoriæ rudimenta docet Rhetorica.

2 In philosophia humanæ mentis fundatur.

3 In genera duo distinguitur ars oratoria, publicam, et privatam, vel declamationis facundiam atque colloquii.

4 Argumentativa etiam vehemens, suasoria, atque fervida est.

5 Demonstrativam, judicalem et deliberativam, eam judicabant scriptores antiqui.

6 Inter recentiores ad forum, ecclesiam, et conventus populares refertur, eoque tractatur.

8 Ecclesiæ et concionum popularium facundia facile cum demonstrativa jungatur, dum judicialis melius denominetur forensis; optima itaque divisio est in demonstrativam, deliberativam, atque forensem.

8 Magni momenti est hæc ars, et dum vero atque virtuti adjumento est magno, in potestatem gloriamque ducit.

9 Rhetorica artis criticæ et publice dicendi principia docet. Omnibus liberali doctrina eruditis summisque animi dotibus instructis, tam fœminis quam maribus, est necessaria.

EDVARDUS AUGUSTUS TURPIN.

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### THESES DE HISTORIA FICTA.

1 Sub nomine generali historiæ fictæ aut narrationis, magna et jucunda pars ingenii operum quæ nostras implent bibliothecas, comprehenditur.

2 Mutuas misericordias dirigere, sociales purificare affectus, virtutem corroborare, felicitatemque augere, narrationis fictæ est.

3 Ut hæc efficiantur et homines et res, sic tractarentur,



ut admirationem aut odium, aut commiserationem excitent.

4 Digni propter virtutem remunerentur, indigni poenam vitio meritam persequantur.

5 Ficta narratio, quo esset utilissima, naturæ rationique congruat, necesse est.

6 Si scriptor hominem majorem vero delinearet, si nos delectare rebus non naturalibus, et nusquam existentibus præterquam in auctoris cerebro conaretur, certum est ejus scripta fore derisa.

7 Apud indoctos contra has historias multum semper declamationis fuit; sed assertiones nullo probare possunt argumento.

8 Mihi, hominibus maximæ utilitati esse videntur.

9 Multas otiosas horas jucunde occupandi, et judicandi de artibus ingenuis facultatem dant, mortalesque cogunt exercere mutuam misericordiam, et amorem quæ maxima sunt ab illis commoda derivata.

GULIELMUS HARRIS WHARTON.

#### THESES ETHICÆ.

1. "Scientia Ethica sua officia, homines eorumque rationes docet."

2. In Ethica affectiones mentis non solum ut phænomena, sed ut quæstionem recti et mali, præmii et supplicii involventes, tractatæ sunt.

3. Ergo ea scientia et philosophia humanæ mentis sunt intime conjunctæ; ita ut alia sine altera non possit intelligi.

4. Facultas judicandi quid sit rectum aut malum innata est mente, ac sensus approbationis aut condemnationis est regula qua judicamus.

5. Mens tamen de moribus non semper recte judicat, sed interdum erret, ut quando ira cæcatur, &c.

6. Nostræ actiones ad tres officiorum classes referuntur; viz, quæ aliis, quæ nobis ipsis, et quæ Deo debentur.

7. Prima, ab aliorum injuria abstinere, et illis benefacere nos cogit.

8. Secunda, virtutem et felicitatem ducimur colere.

9. Tertia, Deum et opera ejus obligamur amare ac venerari.

10. Perutile est studium scientiæ Ethicæ, quia regulas quibus hominum mores diriguntur earumque applicationem docet.

GEORGIUS WASHINGTON WILLIAMS.

6

**STATUTES**

OF

**COLUMBIA COLLEGE,**

**REVISED AND PASSED**

BY THE

**BOARD OF TRUSTEES**

MARCH, 1821.

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*NEW-YORK:*

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No. 160 Pearl-street.

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1821.



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OF THE

LEGISLATURE

OF THE

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## TRUSTEES OF COLUMBIA COLLEGE.

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ROBERT ADRAIN, LL. D. Professor of Mathematics and  
Natural Philosophy.  
Rev. JOHN M'VICKAR, A. M. Professor of Moral Philo-  
sophy, Rhetoric and Belles Lettres.  
NATHANIEL F. MOORE, A. M. Professor of the Greek and  
Latin Languages.  
CHARLES ANTHON, A. B. Adjunct Professor of the Greek  
and Latin Languages.  
JAMES RENWICK, A. M. Professor of Natural and Experi-  
mental Philosophy and Chemistry.



THE STATE OF NEW YORK

IN SENATE

JANUARY 18, 1894

REPORT

OF THE

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STATUTES  
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COLUMBIA COLLEGE.

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CHAPTER I.

*Of the President.*

1. **IT** shall be the duty of the President to take charge of the College generally ; to superintend the buildings of the College, the grounds adjacent thereto, and its moveable property ;

2. To report to the Trustees, as occasion shall require, concerning the state of the College, and the measures which may be necessary for its future prosperity.

3. He shall have power to visit the classes, and any of the College departments, and to give such directions, and perform such acts, generally, as shall, in his judgment, promote the interest of the institution, so that they do not contravene the Charter, the Statutes, nor the decisions of the Board herein after mentioned.

4. It shall be his duty to see that the course of in-



struction and discipline prescribed by the Statutes be faithfully executed, and to rectify all deviations from the same.

5. He shall have power to grant leave of absence from the College, for a reasonable cause, and for such length of time as he shall judge the occasion may require.

6. He shall preside at commencements, at all meetings of the Board hereafter mentioned, when present, and shall sign all diplomas for degrees duly conferred.

7. The devotional, and other duties of the Chapel, shall be performed by the President; but in case of his sickness or absence, they shall be performed by such Professor as he may appoint; who shall have, in the absence of the President, the same authority to command obedience and to enforce the discipline of the institution, as the President, when present, possesses.

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## CHAPTER II.

### *Of the Faculty of Arts.*

1. The President, and Professors of the institution, shall constitute the Faculty of Arts.

2. The Professors shall take precedence according to the dates of their appointments.

3. The students shall be habituated, so far as it shall be practicable, to study *subjects* rather than whole books; and the Professors shall direct them to the best helps; keeping in view the principles of the Report presented to the Trustees of the College on the 28th day of February, 1810, and which are contained in the *extract* annexed to these Statutes.

4. The Professors shall be engaged in the instruction of the classes five days in the week, and, at least, three hours in each day.

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### CHAPTER III.

#### *Of the Board.*

1. It shall be the duty of the Professors to assist the President with their information, counsel, and co-operation; and that their assistance may be the more effectual, they shall be associated with the President in a body, to be called *the Board*.

2. The *Board* shall have power,  
To try offences committed by the students;  
To determine their relative standing;  
To adjudge rewards and punishments; and,  
To make all such regulations for the better execution of the College system, as shall not contravene the Charter of the College, nor these Statutes, nor any order of the Trustees.

3. The votes by the other members of the *Board* shall not make a decision without the concurrence of the President.

4. The *Board* shall keep a record of their proceedings.

5. In case of the absence of the President, the senior Professor present shall preside at the meeting of the *Board*; and all acts of the *Board* thus constituted, shall be valid when approved by the President.

6. The *Board* shall meet, statedly, at least once a week, on *Saturday*, for the purpose of administering the general discipline of the College. At this stated meeting, the Professors shall report concerning the



conduct and proficiency of the members of the respective classes ; noting, particularly, those who have been delinquent in their behaviour or attendance ; or deficient or negligent in their recitations : And, in addition to such admonitions and punishments as the *Board* may prescribe or direct, the names of the students so delinquent, deficient, or negligent, *may* be inserted, with disgrace, in the book entitled *Book of Discipline*. In the same book *may*, also, be inserted, with honour, the names of those students who distinguish themselves for their good behaviour and proficiency in their studies. At the public examinations, the relative merits of the respective classes, and the standing of the members thereof, shall be entered in the same book.

7. In the *Record* of their proceedings kept by the *Board*, shall be noted, at every meeting, the names of the members who attend, and the names of those who are absent. This *Record* of the proceedings of the *Board*, and the *Book of Discipline*, it shall be the duty of the *President* to cause to be laid before the *Trustees*, at their stated meetings.

8. The *Board* shall assemble the classes every morning, except Sunday, at nine o'clock, for the purpose of attending prayers ; after which, on *Saturday*, six students, at least, of the *senior class*, in rotation, shall pronounce declamations, at which not only the *Trustees* but any other persons whom the *President* may think proper to admit, may be present ; and, on the other days of the week, one student, at least, from each of the other classes, shall, in like manner, pronounce declamations.

9. The officers of the College who have the charge of its course of instruction and discipline, shall not be engaged in any professional pursuits from which they derive emolument, and which are not connected with the College.

## CHAPTER IV.

*Of Admission.*

1. No student shall be admitted into the lowest class, unless he be accurately acquainted with the grammar of both the Greek and Latin tongues, including such rules of prosody as may be applicable to such of the Poets as he is to be examined upon; be master of Cæsar's Commentaries, except the last book; of the Oration of Cicero against Cataline, the Oration for the Poet Archias, and the Oration for Marcus Marcellus; of the first eight books of Vrgil's *Æneid*; of the first five books of Livy; of the Gospel according to St. Luke and St. John, and the Acts of the Apostles; of Dalzel's *Collectanea Græca Minora*; of the first three books of Xenophon's *Cyropædia*; and the first three books of Homer's *Iliad*. He shall, also, be able to translate English into grammatical Latin; and shall be well versed in the first four rules of Arithmetic, the rule of three direct and inverse, decimal and vulgar fractions; with Algebra as far as the end of simple equations; and with modern Geography. The classical examination to be *ad aperturam libri*.

2. Every candidate admitted into the Freshman class, and every student, at the commencement of the year, shall write, in the matriculation book of the College, his own name, and the name and place of abode of his father or guardian; by which signature he shall be obligated to the duties, and entitled to the privileges, of a regular student.

3. None but matriculated students shall be allowed to attend the classes upon any pretence whatsoever, without the special permission of the Board of Trustees.



4. No student shall be admitted into an upper class without being master of the previous part of the course.

5. No student shall be admitted from any other College without being duly qualified, nor without a certificate from such College, of his good character.

---

## CHAPTER V.

### *Of the Course of Study.*

The course of study in the different classes shall be as follows, viz.—

#### FIRST YEAR—FRESHMAN CLASS.

Sallust entire; such of the Orations of Cicero, and such books of Livy and of the Odes of Horace as the Adjunct Professor of Languages, with the consent of the President, shall direct—Dalzel's *Collectanea Græca Majora*—Latin prose composition—Roman Antiquities.

The Elements of Geometry—Algebra—Ancient and Modern Geography.

#### SECOND YEAR—SOPHOMORE CLASS.

Virgil's *Georgics*—the *Satires* and *Epistles* of Horace—Cicero *de Senectute et de Amicitia*, and such parts of Tacitus as the Professor, with the consent of the President, shall direct—Dalzel's and Dunbar's *Collectanea Græca Majora*—Homer's *Iliad* to follow *Græca Majora*—Latin composition in prose or verse, as the Professor of Languages shall direct—Greek and Roman Antiquities.

Elements of Geometry continued—Plane Trigonometry and its applications—Algebra—Geography, ancient and modern.

English Grammar, studied critically, on the principles of universal grammar—Elements of Rhetoric and Oratory—Theory and Practice of English composition—Outline of History, ancient and modern, with Chronology.

THIRD YEAR—JUNIOR CLASS.

Cicero de Oratore and de Officiis—Terence—Horace's Art of Poetry—Longinus entire—Homer's Iliad continued—Latin composition in prose or verse, as the Professor of Languages shall direct—Greek and Roman Antiquities.

Spherical Trigonometry—Conic Sections—Analytic Geometry—Fluxions—Natural Philosophy, including Chemistry.

Principles of Taste and Criticism—A course of Criticism, including the classical works, ancient and modern—Theory and Practice of English composition—A general history of the Literature of Europe, ancient and modern—A critical history of English Literature.

FOURTH YEAR—SENIOR CLASS.

The classical part of the course of this year to be conducted by the Professor of Languages, in such manner as he, with the consent of the President, may direct.



Fluxions—Natural Philosophy, including Chemistry—Astronomy according to the methods of Newton, of La Place, and of La Grange.

History of Philosophy—Intellectual and moral Philosophy, and Political Economy.

The senior class to read Essays in English, of their own composition, once a week, before the President, and in the presence of the class, upon such subjects as the President may direct; which Essays shall be subject to the criticism of the President, to be delivered in the presence of the class.

*N. B.* In the classical department, when it is not expressly mentioned that a book is to be read *entire*, it is to be understood that the whole, or such parts of the book, or author, are to be read, as the Professor, with the consent of the President, shall direct.

Declamations and Forensic Disputations to be continued through the Sophomore, Junior, and Senior Years, at stated periods, and upon subjects connected with the respective courses.

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## CHAPTER VI.

### *Of Attendance.*

1. Every Professor shall cause an exact roll to be kept of each class attending upon his instructions.

2. The roll shall be punctually called over at the hour of attendance, and all absentees marked. Such

students, also, as come into the class late, shall be marked.

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## CHAPTER VII.

### *Of the Behaviour of the Students.*

1. Every student shall conduct himself towards the President and Professors with all possible respect ; shall take off his hat whenever he meets them ; and, if within the College enclosure, shall remain uncovered while he speaks to them, or is spoken to by them.

2. Every student shall observe the strictest decorum when in the class, neither doing nor countenancing any thing which may tend to incommode his teacher, or divert the attention of his fellow students.

3. Every student, when sent for by the President, shall attend without delay.

4. Every student, when sent for by any of the Professors, shall attend without delay, unless it be at the hour appointed for any of the lectures, in which case he shall attend as soon as the lecture is ended.

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## CHAPTER VIII.

### *Of Crimes and Punishments.*

1. If any student shall neglect his studies ; or shall interrupt the studies of any other ; or shall disturb the President, or any of the Professors ; or shall, in any manner, behave indecently, he shall be admonished,



degraded, suspended, dismissed, or expelled, according to the nature and aggravation of his offence.

2. If any student shall commence any professional study during the years of his academical course, he shall be dismissed from the College.

3. If any student shall be guilty of profane cursing or swearing; or be intoxicated with liquor; or be concerned in any riot; or shall strike a fellow student; or keep the company of infamous persons; or procure a private key for any room in the College; or frequent billiard rooms; or be guilty of gambling, or of any other known vice, he shall be admonished, suspended, dismissed, or expelled, according to the nature and aggravation of his offence.

4. If any student shall contumaciously resist the authority of the President and Professors, or any of them, he shall be dismissed or expelled.

5. No student who shall have been expelled, or twice dismissed, shall be readmitted.

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## CHAPTER IX.

### *Of the Mode of Punishment.*

1. Complaint of misdemeanor in a student must be made, in the first instance, to the President, who, unless the offence be so flagrant as, in his judgment, to require the interference of the Board, shall privately admonish the offender; and upon failure of success may, in his discretion, bring the subject before the Board.

2. A Professor, for misconduct in his presence, may cite the offender to appear before the Board.

3. The punishments, viz. of public admonition, sus-

pension, degradation, dismissal, and expulsion, shall be inflicted only by an act of the Board.

4. All public punishments shall be according to a written form, prepared by the President, as the occasion may require, which shall be read in the Chapel by him, or his substitute, and shall be entered in the Book of Discipline.

5. A student whom it may be necessary to bring before the Board, shall have due notice of the time and place of their meeting, and shall be allowed to defend himself.

6. When a charge of misconduct shall be preferred against a student, the Board of the College shall have power to require the attendance of any other student as a witness ; and it shall be the duty of such student, when so required, to declare his knowledge of facts touching said charge, on pain of being guilty of contumacy, in case of his refusal ; *provided*, that no student shall be compelled to give testimony which may condemn himself.

7. When it shall appear to the Board of the College, that the members of a class, or any number of them, have entered into a combination in order to avoid collegiate duties, or to violate any of the Statutes, or any regulation of the Board of the College, they may be proceeded against, by punishing the first in the order of the class, or any others, who shall be found among the number of those who have entered into combination for the above unlawful purposes.

8. When injury has been done to the buildings, or other property of the institution, by any of the students, the Board of the College shall have power to impose pecuniary mulcts, to the extent of the damage committed, upon the persons concerned, or any of them, and to suspend him or them from attendance upon the lectures until such fines are paid.



## CHAPTER X.

### *Of Examinations.*

1. There shall be two examinations of all the classes every year. The one to commence on the first Tuesday in March, and the other on the first Tuesday in July. The latter shall be the concluding examination of an academical year; the former shall be called the *intermediate examination*.

2. The examinations shall be held in the presence of the President, the Professors, the Students, of a Committee of the Trustees, and of such other persons as shall choose to attend.

3. Previous to the intermediate and concluding examinations, public notice shall be given, in two of the daily papers published in the city, of the time when the examinations are to commence. And the Regents of the University, the Trustees of the College, the parents and guardians of students, and such other persons as the President may think proper to invite, shall be requested to attend.

4. The examinations are to be close and rigid, every student being left to stand or fall upon his proper merits; due tenderness being at the same time shown, that the effects of perturbation may be avoided as much as possible.

5. At the close of every examination, the students shall be ranked according to their respective merits; and, in order that justice may be done to each student, the Board of the College may, if they shall judge it expedient, divide a class into such grades as justice and propriety may seem to them to dictate; and the students in the same grade shall be entitled to equal

rank, but shall take their seats in their respective grades alphabetically. The like order of division may be adopted in seating the Freshman Class, after their examination for admission shall have been completed.

6. At the concluding examination, the Board may exclude any student who shall have been deficient in the studies of the preceding year, from proceeding to a higher class.

7. Students not permitted to proceed to a higher class, shall always be placed at the bottom of the class to which they shall be adjudged.

8. A student not permitted to proceed to the next higher class, may be allowed to take the lowest place therein, if, at the intermediate examination, he shall appear to have compensated his deficiency ; but not if a whole year shall have elapsed.

9. A student who shall be found incompetent to his studies, or negligent in them, shall be dismissed from the College ; and want of sufficient progress to entitle him to proceed to a higher class, for two years successively, shall always be considered as proof of incompetency or negligence requiring dismissal ; and shall be followed by dismissal accordingly.

10. Honorary testimonials, of three different degrees, decorated with the seal of the College, and with suitable devices, shall be adjudged, at the concluding examination, to such students in each class as shall most distinguish themselves.

11. An additional testimonial of merit shall be given yearly, in each class, to the best scholar in each department of study ; to be awarded by the President and the Professor of each respective branch.

12. The names of students obtaining honorary testimonials shall be announced at the public commencement, and the testimonials shall be conferred at the first



regular meeting of the Trustees after the commencement of the ensuing term, in the presence of the Trustees, the Board of the College, and the Students of the institution.

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## CHAPTER XI.

### *Of Commencements.*

1. There shall be an annual commencement on the first Tuesday in August, when academical degrees shall be conferred.

2. Previously to conferring the degrees, public exercises shall be performed by the candidates, in such manner as the Board shall direct.

3. No student shall be admitted to the degree of Bachelor of Arts, unless, besides due proficiency in his studies, he shall compose an exercise for the commencement, which shall be submitted to the President; and the student who shall refuse or neglect to adopt the corrections and amendments pointed out to him, or who shall deliver his oration, or exercise for the day, otherwise than as approved of by the President, shall not receive his degree.

4. It shall be the duty of the Board of the College to designate those who are to speak, and also to assign to each speaker his respective part on commencement day; and any student neglecting or refusing to perform the part assigned to him, shall not receive his degree.

5. No alumnus of this College shall obtain the degree of Master of Arts in less than three years after the date of his first diploma; nor then, unless he shall have made such literary progress as, in the judg-

ment of the Board, shall entitle him thereto. The President may assign to one or more of the alumni of the College, who may apply for a degree of Master of Arts, such orations or exercises as he may deem expedient; which orations or exercises shall be delivered the last in the order of the day, the valedictory oration excepted; but no oration or exercise shall be delivered unless approved of by the President.

6. No person of immoral character shall be admitted to the honours of this College.

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## CHAPTER XII.

### *Of Vacations.*

1. There shall be a vacation of all the classes from the day of the commencement until the first Monday in October; on which day the regular course of study shall commence. The candidates for admission shall be previously examined.

2. There shall be an intermission of the public lectures on the 4th day of July, on the 25th day of November, and from the 24th day of December until the 4th day of January.

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## CHAPTER XIII.

### *Of the Committee of Visitation.*

1. A Committee, to consist of, at least, three *Trustees*, to be styled *The Committee of Visitation*, shall



be appointed by the Trustees, from their own body, to act for six months.

2. It shall be the duty of *the Committee of Visitation*, frequently to visit the College, for the purpose of inquiring into its situation; and, particularly, of ascertaining whether the statutes, bye-laws, ordinances, and regulations, are duly observed and carried into effect; and, also, to attend all the public examinations of the classes, and to make report, in writing, to the Trustees, statedly, in the months of *April* and *August*, after the intermediate and concluding examination of the classes.

*EXTRACT from the second Report of a Committee appointed to inquire into the State of Columbia College; presented to the Board of Trustees, February 28, 1810.—(Referred to in Chap. II. § 3. p. 8.)*

“ It appears to your Committee that the primary principle of all sound education, viz. *the evolution of faculty and the formation of habit*, although deplorably neglected in most seminaries, ought to be so thoroughly incorporated in the College system, and even amalgamated with its very elements, as to render progress through the classes, without due regard to it by both teacher and pupil, altogether impracticable. If the plan be so constructed as to require ability and diligence, the want of either of these qualifications in the teacher will betray itself in the embarrassment of his department; and the want of either of them in the pupil will be discovered by his habitual failure in duties which a reasonable share of both would have fitted him to perform. Your Committee cannot, for a moment, suppose, that it is the intention of the Board to try that most fruitless and mischievous experiment—the experiment of educating either the naturally stupid or the incurably idle. A volume could not display the magnitude of the injuries inflicted upon letters, upon religion, upon morals, upon social prosperity under every form, through the protection granted to incapacity and sloth, by a timid indulgence, or a chimerical hope. It is, therefore, indispensable that the public should see, and youth themselves feel, that future students must both have faculties to cultivate, and industry to labour in their cultivation, or that Columbia College will be no place for them.

“ With a sufficient reserve for improvements which



the vigilance of skilful instructors may point out in the practical details, your Committee think, that there ought to be an undeviating adherence to the following principles, and their general application.

“ 1. *Exactness*. By which is understood, the learning perfectly whatever is professed to be learned at all.

“ This can never be attained without attention and patience—causing the subject to pass and repass, in close and frequent examination, till it become familiar, and leave an indelible impression on the mind. The exciting of such a habit of attention, as it is the first duty, so it is the greatest difficulty, and the most important victory of an able teacher, and the cardinal secret of sound education. To produce it, he must insist, peremptorily and inexorably, upon *exactness*. His pupils will shrink, they will solicit, they will complain; they may feel a momentary despondence; but there is an elasticity in youth which cannot be long depressed; and a generosity which the firmness of authority, softened by a well adapted soothing, can work up to astonishing efforts. This observation is fully verified in the history of the great schools in England, where accuracy is never dispensed with. The contrary course terminates in the worst effects. Let a lad ‘get along,’ as the phrase is, ‘pretty well’—let his ideas on a point, or his acquaintance with a subject, which he is required to master, be only general and confused—let him conjecture, where he should be certain; let his preceptor almost put the answer into his mouth, when he hardly knows which way to guess—and he is bribed to intellectual sloth; the season in which he should fix habits of discrimination, as well as of prompt acquisition, passes by; and though he bring to the College good native powers,

he will leave it with a mind inert and unproductive. Let the idea, then, of a medium between scholarship and no scholarship, be for ever banished. Let the ideas of doing a thing, and doing it well, be identified in the minds of both professor and student; and let the doing a thing by halves, be equivalent with not doing it at all.

“2. *Punctuality*. By which your Committee mean, that the performance of all exercises should be limited to a certain time, and then be rigorously exacted. The teacher will, of course, take care that they be both reasonable and sufficient. Under these conditions nothing but a physical impossibility, or such a hindrance as cannot be at all referred to indolence or evasion, should excuse for non-performance. Exactness is not to be expected without painful labour. Labour will not be regular and ardent without the hard pressure of necessity. Let it be ascertained that there is no escape; that the thing *must* be done, and it *will* be done. Such an urgency upon the mind disarms temptations to trifling, and often to vice; keeps it bent on the period and the matter of duty; throws it into strong action, and perhaps, which is still better, into a sort of agony: hence spring the finest, the most magnificent effusions of human genius. There exists no more fatal enemy to diligence, improvement, and excellence, than the persuasion that ‘there is time enough.’

“3. *Progression*. By which your Committee would express a gradation of exercises, from easier and shorter, to more difficult and ample, according to the power of performance.

“During the whole course of education the youthful faculties are to be kept upon the stretch. As they develope themselves, and gain strength, they are to



be employed in work demanding severer tension, and more dauntless vigour. As in mathematical science every preceding proposition is an instrument in the demonstration of those which follow; so, in all the branches of education, every thing which, before being learned, is an *end*, becomes, when learned, a *means*, and is to be applied, in its turn, to the remoter and abstruser investigations. On no account, therefore, ought students in the more advanced classes, to spend their time in those elementary studies which occupy beginners. It is the impoverishment of intellect—it is a waste of life—it never can be necessary, unless the necessity be created by some mismanagement in the system.

“ In conformity with these general principles, it is the conviction of your Committee, that the hours spent by the classes with the professors should be chiefly devoted to *examination*. It is the duty of the professor to use his information, not so much for the purpose of displaying it before his pupils, as to direct and assist them in getting information for themselves,—to employ his sagacity and address in eliciting their faculties, and inuring them to the habit of *thinking*. The experience of different countries has shown, that regular attendance upon lectures, and profound admiration of the lecturer, are perfectly compatible with ignorance, with laziness, and with stupidity. If, as Dr. Goldsmith observes, there are many authors who ‘ write through a volume without thinking through a page,’ there are also innumerable instances of youth going through a four years’ course, and, as it is absurdly styled, ‘ finishing their education,’ without having their powers, even for once, put fairly to the test.

“ In acting upon the plan suggested by your Com-

mittee, the instructions of the Professors should be adjusted to each other, so far as the nature of their respective branches shall permit. This can be done to great extent and advantage by the Professor of Rhetoric and Belles Lettres, and the Professor of Languages. The classical, which are the principal studies in both our own and the learned tongues, are natural allies, and easily associated. The Professor of Languages should point out, elucidate, and endeavour to make his pupils understand, those unrivalled specimens of taste, of eloquence, and of wisdom, with which the ancient writers abound. And the Professor of Rhetoric and Belles Lettres should refer for examples to those writers particularly who are studied under the Professor of Languages, comparing them with each other, with the best writers in our own language, and especially with the inspired writings. To exemplify:

“ When there occurs in the lesson of the day a splendid description, the student must be taught to mark the selection of circumstances—the order of arrangement—the grouping of images—the choice of words.

“ When there occurs a fine and spirited criticism, as in every page of *Longinus*, to thoroughly comprehend his sense, and to trace the correspondence between his principles and his illustrations.

“ When there occurs an instance of able disquisition, as in the Orations of *Demosthenes*, the student should be obliged not only to translate his words, but to analyze his argument. The same principles, properly modified, should pervade the whole course.

“ In this manner we shall cultivate faculty. And our College will send forth taste, eloquence, and strong reasoning powers. She will pour out a stream of matured intellect, instead of trifling, as the Ameri-



can Colleges have been too much accustomed to do, by ringing the changes upon the alphabet and syllables of their classical horn-book.

“ Your Committee are sensible, that this method is not calculated to impart immediate eclat to the Professors ; but they are equally sensible, that it will render the College incomparably more useful than she has ever been ; and that it will eventually shed lustre upon both those who teach and those who learn.

“ They are also sensible, that it requires no ordinary degree of understanding, of dignity, of taste, of diligent and patient labour in the Professors ; but they judge also, that no exertion is too arduous, and no sacrifice too costly, to insure the highest display of these professional virtues.

“ Your Committee consider the course of instruction, according to the preceding views, to be, in reality, the *discipline* of the College ; but they feel the necessity of some strong *motives* to enforce compliance on the part of the students. These motives they conceive to be all comprised in that broad principle—*appeal to a sense of character*.

“ For giving to this appeal its just influence, they are of opinion, that the system of *examination should be improved*, and should be accompanied with certain *coercions* which operate upon effort through the imagination.

“ The improvement which they would suggest, consists chiefly in rendering the examinations, especially the one which closes an academical year, most solemn and splendid. So that the figure which a youth makes shall be exhibited, and the rank which he deserves, shall be proclaimed, under circumstances the most impressive and interesting to his mind. To effect this end, it is requisite that *he* and not his *preceptor*, draw

the attention of the assembly—that he stand or fall, absolutely upon his own merits ; and, without impairing the tenderness proper toward an agitated, which is frequently the noblest spirit, that both the aid and the reproofs common and needful in the stated class, be entirely withdrawn. The bare expectation of such an analysis of his capacity and acquirement, will more powerfully affect him, and be a more regular and efficient stimulus, than all the fines which have ever been incurred. But it will be necessary to go a step further, and deepen the impressions to be thus produced, by adequate *rewards* and *punishments*. These may be,

“ 1. Promotion *from one class to another*. The rule to be, that no student shall, *upon any consideration*, be allowed to advance from a lower to a higher class, without being master of the previous studies.

“ Your Committee hold this rule to be of unspeakable moment. The practice of carrying boys along, year after year, as a matter of course, without regard to their improvement, or with so slight a regard to it, as proves, in fact, to be merely nominal, is worse than trifling. It is the death-blow to solid education, and the destruction of unnumbered youth. Nothing but ignorance or disregard of the springs of human action, will engender, or will embrace the notion, that a just ardour and emulation can be excited or maintained, when the idler and the blockhead are linked with the lad of industry and talent, during a four years' probation, and, at the end of it, are admitted alike to academical honours. To produce and preserve such ardour and emulation, a strong distinction must be instituted and kept up between those students who acquit themselves well, and those who acquit themselves ill. The *cause* of deficiency (which does not include *perturbation* arising from awe and anxiety,) is, in the



judgment of your Committee, perfectly immaterial. The object of the College is to educate. Studies which precede, are only an introduction to studies which follow. Her course must be conducted on the assumption that they are mastered in their place. Whether it be from incapacity, from negligence, from dislike, from absence, from sickness, the want of preliminary acquisition must effectually preclude access to a higher class. Even the case which most excites commiseration and pleads for indulgence, viz. deficiency occasioned by sickness, should have no influence upon the rule or upon its execution. The general fact is the same; and a boy's unfitness is not the less unfit because it was his misfortune to have been sick. If the spirit of the course be cherished, he cannot get on in a superior class without a pressure which, instead of only urging him, may crush him altogether. It would be absurd tenderness to break him down with mental labour, because he has already been broken down by the hand of disease; not to insist that the exception itself is liable to extensive abuse. The Board will demand no proof that it is a very possible thing for a lad to get sick in order to save his reputation. Advancement, therefore, from one class to another, must be, in itself, an argument and a reward of merit. This association, in the minds of both the pupil and the public, appears to your Committee to be of essential moment, insomuch as, without it, the force of other inducements will be impaired; and, if the rule which is to create it be broken through, the College will inevitably relapse. The chief difficulty may be anticipated in the end of the first, or Freshmen year. But this will probably be far greater in prospect than in experience. For if the statute respecting admission be faithfully enforced, such a mass

of natural incompetency will be excluded, as to leave, comparatively, but little further obstruction which shall not arise from negligence. And the examination at the expiration of the first half year, will be an admonition which shall render the offender without excuse.

“ As an appendage to this rule, your Committee would observe, that a practice, of which an example is stated in the Report of the Faculty of Arts to this Board on the 14th instant, viz. the allowing boys to attend and study along with a class they were unfit to enter, with a view of qualifying themselves for entrance at a subsequent examination, must be absolutely interdicted. The impropriety is so glaring that your Committee are surprised it ever should have existed. For it is self-evident, that, if these extra-students can go along with the class, they were not unfit for entrance; and if they were unfit for entrance, they cannot go along with the class. Either, then, the studies of the class must be lowered to them, or they must be put to studies to which, by the very terms of the representation, they are unequal. In the one case, they are sacrificed to the class, in the other, which is still worse, the class is sacrificed to them; and if this double classification be permitted, a principle is sanctioned which will speedily evade every possible precaution.

“ 2. Promotion *in* the class, which may take place both at the intermediate examination, and at the close of the academical year.

“ 3. *Premiums*, to be adjudged once every year, to consist of gold and silver medals, and books, of a definite value; with the arms of the College on one side, and on the reverse an appropriate inscription; to be provided at the expense of the College, and suitably distributed among the classes.



“ The principle to be chiefly regarded in all criminal jurisprudence, is less the *severity*, than the *certainly*, of punishment. A student should, therefore, know, that dispensation with academical law, or connivance at escape from merited censure, are out of the question.”

7

**CATALOGUS**  
**COLLEGII COLUMBIANI**  
**NEO-EBORACENSIS:**  
**COMPLECTENS**  
**NOMINA EORUM, QUI ALIQUO GRADU**  
**FUERUNT ORNATI;**  
**ET EORUM,**  
**QUI IN EO AUCTOTITATEM QUALEM CUNQUE**  
**EXERCUERUNT,**  
**NOMINE**  
**RECTORUM, SEU MODERATORUM,**  
**SEU**  
**CURATORUM;**  
**NEC NON**  
**SENATUS ACADEMICI;**  
*AB ORIGINE, AD ANNUM 1814, INCLUSUM.*

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**NOVI-EBORACI:**  
**TYPIS PETRI VAN PELT, 9 WALL-STREET.**  
**1815.**



CLARK

COLLEGE OF THE CITY OF NEW YORK

NEW YORK

1880

THE UNIVERSITY OF THE CITY OF NEW YORK

THE CITY OF NEW YORK

NEW YORK

THE UNIVERSITY OF THE CITY OF NEW YORK

THE CITY OF NEW YORK

NEW YORK

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THE CITY OF NEW YORK

# CATALOGUS

COLLEGII COLUMBIANI NEO-EBORACENSIS.

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## RECTORES

COLLEGII REGALIS NEO-EBORACENSIS CHARTA

REGIA CONSTITUTI ANNO DOM. 1754.

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*Reverendissimus* THOMAS CANTAB. ARCHIEPISCOPUS, et  
Cantab. Archiep. pro temp.

*Honoratissimus* DUNK, OLICANÆ COMES, Ex Commercii  
et Coloniarum Curatoribus Princeps, et Princeps  
Curatorum Commercii et Coloniarum pro temp.

PRÆFECTUS Provinciæ pro temp.

*Curiae Supremæ* JUDICES pro temp.

A SECRETIS Provinciæ pro temp.

*Causarum regiarum* PROCURATOR PROVINCIALIS pro temp.

*Ex concilio regis* PRIMUS pro temp.

*Concilii inferioris Provincialis* PRINCEPS pro temp.

QUÆSTOR PROVINCIALIS pro temp.

*Urbis Neo-Eboracensis* PRÆTOR pro temp.

*Ecclesiæ S. S. Trinitatis* RECTOR pro temp.

*Ecclesiæ Belgicæ* PASTOR SENIOR pro temp.



*Ecclesiæ antiquæ Lutheranæ* PASTOR pro temp.

*Ecclesiæ Gallicæ* PASTOR pro temp.

*Ecclesiæ Presbyterianæ* PASTOR pro temp.

*Collegii* PRÆSES seu Gymnasiarcha pro temp.

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ARMIGERI.

<i>ARCHIBALDUS KENNEDY,</i>	<i>OLIVERUS DE LANCEY,</i>
<i>JOSEPHUS MURRAY,</i>	<i>JACOBUS LIVINGSTON,</i>
<i>JOSIAS MARTIN,</i>	<i>BENJAMINUS NICOL,</i>
<i>PAULUS RICHARD,</i>	<i>GULIELMUS LIVINGSTON,</i>
<i>HENRICUS CRUGER,</i>	<i>JOSEPHUS READ,</i>
<i>GULIELMUS WATSON,</i>	<i>NATHANIEL MARSTON,</i>
<i>JOANNES WATTS,</i>	<i>JOSEPHUS HAINES,</i>
<i>HENRICUS BEEKMAN,</i>	<i>JOANNES LIVINGSTON,</i>
<i>PHILIPPUS VERPLANCK,</i>	<i>ABRAHAMUS LODGE,</i>
<i>FREDERICUS PHILIPS,</i>	<i>DAVID CLARKSON,</i>
<i>JOSEPHUS ROBINSON,</i>	<i>LEONARDUS LISPENARD,</i>
<i>JOANNES CRUGER,</i>	<i>JACOBUS DE LANCEY, JUN.</i>

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NOMINA EORUM, QUI RECTORUM MUNUS EXERCEBANT,  
ANNO 1775.

*IDEM RECTORES EX OFFICIO.*

*JACOBUS DUANE,*  
*GULIELIMUS ALEXANDER, Sterlini Comes.*  
*Honor. CAROLUS WARD APTHORP,*

THOMAS JONES,

*Honor.* ROGERUS MORRIS,

JOANNES OGILVIE, *S. Th. D.*

GOLDSBROW BANYAR,

SAMUEL VERPLANCK,

*Rever.* CAROLUS INGLIS, *Nov. Scot. Epis.*

*Honor.* HENRICUS WHITE,

JACOBUS WALTON,

*Honor.* JOANNES HARRIS CRUGER,

PETRUS MIDDLETON, *M. D.*

JOANNES WALTON, *Militum Tribunus.*

*Notetur.* Collegium ab initio regia Charta constitutum,  
nomine regis Collegii, jam legibus Reipublicæ denomina-  
tum esse COLLEGIUM COLUMBIANUM.

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### PRÆSIDES SEU GYMNASIARCHÆ.

<i>Accessus.</i>		<i>Exitus.</i>
1754. SAMUEL JOHNSON, <i>S. T. P.</i>	abd.	1763.
1763. <i>Rev.</i> MYLES COOPER, <i>Coll. Regin. Oxon. Socius.</i>	} derel.	1775.
1775. <i>Rev.</i> BENJAMINUS MOORE, <i>pro tem. Præses,</i> ipso Præside absente.		

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### FACULTATIS ARTIUM PROFESSORES.

<i>Accessus.</i>		<i>Exitus.</i>
1757. DANIEL TREADWELL, <i>A. M. Harv. Coll. Socius, Mathes. &amp; Phys. Prof.</i>	} è vita deces- sit.	1760.



*Accessus.*

*Exitus.*

1761. Robertus Harper, *A. M. Glasc. Math.* } derel. 1776.  
                   & *Phys. Profess.* }

1765. Samuel Clossy, *M. D. Coll. S. S.* } derel. 1776.  
*Trin. Dubl. Phys. Prof.* }

1773. Joannes Vardill, *A. M.* Socius, & }  
*Juris. Naturalis* Prof. } derel. 1776.

1775. ———— *Historiæ & Lingg.* Prof. J

### TUTORES.

1755. Gulielmus S. Johnson, *A. M. Val.*

1756. Leonardus Cutting, *A. B. Coll. Pembr.* }  
*Cantab. & Socius.* }

1762. *Rev. Myles Cooper, Coll. Regin. Oxon. Socius & Adjutor Præs.*

**FACULTATIS MEDICINÆ PROFESSORES.**

*Accessus.*

*Exitus.*

1767. SAMUEL CLOSSY, *M. D. Anat.* Prof. derel. 1776.

1767. Petrus Middleton, *M. D. Pathol. & Physiol. Prof.*

do.

1767. Joannes Jones, *M. D. Chirur.* Prof.

do.

1767. Jacobus Smith, *M. D. Chem. & Mat.*  
*Med. Prof.*

do.

1767. Samuel Bard, *M. D. Theor. & Prax.*

*Med. Prof.*

do.

1767. Joannes Tenant, *M. D. Art. Obst. Prof.*

do.

QUÆSTOR.

1775. LEONARDUS LISPENARD.

## CATALOGUS,

EORUM EXHIBENS NOMINA, QUI IN COLLEGIO REGALI NEO-EBORACENSI LAUREA GRADUS ALICUIUS DONATI FUERUNT, AB ANNO 1758 AD ANNUM 1776.

1758.

\*Josua Bloomer, *A. B.*

Daniel Isaacus Browne, *A. M. & Nov. Cæsar.*

Isaacus Browne, *A. M. Val. A. B.*

Samuel Browne, *A. M. & Val.*

\*Thomas Bradbury Chandler, *A. M. & Val. & Oxon.*

Philippus Van Cortland, *A. B.*

\*Leonardus Cutting, *A. M. Cantab. A. B.*

\*Samuel Fayerweather, *A. M. & Harv. & Oxon.*

Cary Ludlow, *A. M.*

†Joannes M'Kesson, *A. B. & Nov. Cæsar.*

†David Matthews, *A. M. & Nov. Cæsar.*

Josias Ogden, *A. B.*

†Isaacus Ogden, *A. B.*

\*Samuel Provost, *A. B.*

Cyrus Ponderson, *A. M.*

\*Ebenezer Ponderson, *A. M.*

Josephus Reade, *A. B.*



Rudolphus Ritzema, *A. B.*

Daniel Treadwell, *A. M. & Harv.*

Samuel Verplanck, *A. B.*

Timotheus Whetmore, *A. B.*

1759.

\*Gulielmus Hanna, *A. B. & Nov. Cæsar.*

\*Epenetus Townsend, *A. B.*

1760.

Samuel Bayard, *A. B.*

Antonius Hoffman, *A. B.*

Philippus Livingston, *A. B.*

Joannes Marston, *A. B.*

Robertus Watts, *A. B.*

\*Isaacus Wilkins, *A. B.*

1761.

\*Joannes Beardsley, *A. B.*

\*Josua Bloomer, *A. M.*

Philippus Van Cortland, *A. M.*

Henricus Holland, *A. B.*

Gulielmus Jackson, *A. M.*

†Gulielmus Samuel Johnson, *A. M. & Yal. & Harv.*

Antonius Lispenard, *A. B.*

\*Samuel Peters, *A. M. & Yal.*

- \*Samuel Provost, *A. M.*
- \*Jacobus Scovil, *A. M. & Val.*
- \*Samuel Seabury, *A. M. & Val.*
- Agur Treadwell, *A. B.*
- \*Henricus Van Dyck, *A. B.*
- \*Edvardus Winslow, *A. M.*

## 1762.

- \*Samuel Andrews, *A. M. & Val.*
- Edvardus Antil, *A. B.*
- Ricardus Clark, *A. B.*
- Henricus Cuyler, *A. B.*
- Gulielmus Cornelius George, *A. B.*
- Joannes Grennell, *A. B.*
- † Robertus Harper, *A. M. Math. Prof.*
- \*Bela Hubbard, *A. M.*
- Alexander Leslie, *A. B.*
- Leonardus Lispenard, *A. B.*
- Gulielmus Benjaminus Nicoll Maverick, *A. B.*
- Robertus M'Kean, *A. M. & Philad.*
- Ebenezer Parmele, *A. M.*
- Daniel Robert, *A. B.*
- \*Epenetus Townsend, *A. M.*

## 1763.

- Samuel Bayard, *A. M.*
- Barendus Cuyler, *A. B.*
- Abrahamus Depeyster, *A. B.*



Antonius Hoffman, *A. M.*  
 Philippus Livingston, *A. M.*  
 Joannes Marston, *A. M.*  
 Samuel Verplanck, *A. M.*  
 Robertus Watts, *A. M.*  
 \*Isaacus Wilkins, *A. M. S. Th. D. N. Ebor.*

## 1764.

Matthæus Cushing, *A. M. & Harv.*  
 Samuel Giles, *A. B.*  
 †Ricardus Harison, *A. B.*  
 Henricus Holland, *A. M.*  
 †Joannes Jay, *A. B.*  
 \*Henricus Van Dyck, *A. M.*

## 1765.

Edvardus Antil, *A. M.*  
 †Egbertus Benson, *A. B. Coll. Harv. L. L. D. & Ex Jud. Cur. Supr. Fæder. & Coll. Col. Neo-Eb. Cur.*  
 Henricus Cuyler, *A. M.*  
 Ricardus Grant, *A. B.*  
 \*Gulielmus Hanna, *A. M.*  
 \*Jeremias Leaming, *A. M. & Yal.*  
 Alexander Leslie, *A. M.*  
 Robertus Livingston, *A. B.*  
 Henricus Lloyd, *A. B.*  
 Arendus Schuyler, *A. B.*

1766.

Jacobus Barclay, *A. B.*  
 Gerardus Beekman, *A. B.*  
 Ricardus Nicolls Colden, *A. B.*  
 Ricardus Clark, *A. M.*  
 Barendus Cuyler, *A. M.*  
 Abrahamus Depeyster, *A. M.*  
 Ricardus D'Olier, *A. B.*  
 Edvardus Nicoll, *A. B.*  
 † Joannes Ray, *A. B.*  
 † Henricus Rutgers, *A. B.*  
 Joannes Troup, sen. *A. B.*  
 Joannes Troup, jun. *A. B.*  
 \* Joannes Vardill, *A. B.*  
 † Joannes Watts, *A. B.*

1767.

\* Samuel Achmuty, *S. T. D. & Oxon.*  
 \* Ephraimus Avery, *A. M. Yal. A. B.*  
 \* Thomas Bradbury Chandler, *S. T. D. & Oxon.*  
 Georgius Glentworth, *A. M. & M. D. Edin.*  
 † Ricardus Harison, *A. M.*  
 † Joannes Jay, *A. M. Coll. Harv. L. L. D. &*  
     *Reip. Neo-Ebor. Præf.*  
 \* Carolus Inglis, *A. M. & Oxon. S. Th. D. &*  
     *Nov. Scot. Episc.*  
 Gulielmus Laight, *A. B.*  
 Hugo Neill, *A. M.*  
 \* Joannes Ogilvie, *A. M. & Yal. S. Th. D. Aber.*



\*Joannes Tyler, *A. B.*

1768.

‡Samuel Bard, *M. D. & Edin. Theor. & Prax. Med. Prof.*

\*Joannes Beardsley, *A. M.*

‡Egbertus Benson, *A. M.*

‡Samuel Clossy, *M. D. & Dub. Phys. & Anat. Prof.*

\*Myles Cooper, *L. L. D. & Oxon. Coll. Regal. Præs. & Coll. Regin. Oxon. Socius.*

Carolus Doughty, *A. B.*

‡Joannes Jones, *M. D. & Chirur. Prof.*

Robertus Livingston, *A. M.*

Jacobus Ludlow, *A. B.*

‡Petrus Middleton, *M. D. & S. And. Pathol. & Physiol. Prof.*

\*Benjaminus Moore, *A. B.*

‡Gouverneur Morris, *A. B.*

‡Joannes Stevens, *A. B.*

Petrus Van Schaack, *A. B.*

Gulianus Verplanck, *A. B.*

1769.

Jacobus Barclay, *A. M.*

Gerardus Beekman, *A. M.*

Caleb Cooper, *A. B.*

Samuel Kissam, *M. B.*

\*Ebenezer Kneeland, *A. M. Yal. A. B.*  
 Henricus Lloyd, *A. M.*  
 Edvardus Nicoll, *A. M.*  
 Robertus Tucker, *M. B.*  
 Joannes Troup, sen. *A. M.*  
 Joannes Troup, jun. *A. M.*  
 \*Joannes Tyler, *A. M. Yal. A. B.*  
 \*Joannes Vardill, *A. M. Soc. & Jur. Nat. Prof.*  
 †Joannes Watts, *A. M.*

## 1770.

\*Thomas Barton, *A. M.*  
 \*Robertus Blackwell, *A. B. & Nor. Cæsar.*  
 Jacobus Creighton, *A. B.*  
 †Joannes Doughty, *A. B.*  
 Jonathan Graham, *A. B.*  
 Ricardus Harris, *A. B.*  
 Gulielmus Hubbard, *A. B.*  
 Gulielmus Laight, *A. M.*  
 †Stephanus Lush, *A. B.*  
 \*Joannes Ogilvie, *S. T. D. & Aber.*  
 Philippus Pell, *A. B.*  
 Robertus Tucker, *M. D.*

## 1771.

Ichabod Best Barnet, *A. B.*  
 \*Jonathan Boucher, *A. M.*  
 Clemens Cooke Clarke, *A. B.*



**Caleb Cooper, *A. M.***  
**Joannes Copp, *A. B.***  
**Henricus De Wint, *A. B.***  
**Carolus Doughty, *A. M.***  
**Samuel Kissam, *M. D.***  
**Thomas Knox, *A. B.***  
**Jacobus Ludlow, *A. M.***  
**\*Benjaminus Moore, *A. M.***  
**‡Gouverneur Morris, *A. M.***  
**Benjaminus Onderdonk, *M. B.***  
**Joannes Searle, *A. B.***  
**Michael Sebring, *M. B.***  
**‡Joannes Stevens, *A. M.***

1772.

**‡Thomas Barclay, *A. B.***  
**\*Joannes Bowden, *A. B.***  
**Carolus Doughty, *M. B.***  
**Joannes Augustus Graham, *M. B.***  
**Uzal Johnson, *M. B.***  
**Joannes King, *A. B.***  
**Jacobus Muirson, *M. B.***  
**Nicolaus Ogden, *A. B.***  
**Petrus Roebuck, *A. B.***  
**Andreas Skene, *A. B.***  
**Ricardus Udall, *M. B.***  
**Gulielmus Winterton, *M. B.***

1773.

†Cornelius Bogert, *A. B.*  
 Jacobus Creighton, *A. M.*  
 Jabez Doty, *M. B.*  
 Ricardus Harris, *A. M.*  
 Gulielmus Hubbard, *A. M.*  
 Isaacus Hunt, *A. M. & Philad.*  
 Josephus Lamson, *A. M.*  
 †Stephanus Lush, *A. M.*  
 \*Joannes Marshal, *A. M.*  
 †\*Harry Monroe, *A. M.*  
 Philippus Pell, *A. M.*  
 Fredericus Philipse, *A. B.*  
 Nathaniel Philipse, *A. B.*  
 †Joannes Ray, *A. M.*  
 Beverly Robinson, *A. B.*  
 \*Thomas Shreve, *A. B.*  
 Joannes Stuart, *A. M.*  
 Petrus Van Schaack, *A. M.*

1774.

†GULIELMUS TRYON, *L. L. D. PROV. PRÆF.*  
 Isaacus Abrahams, *A. B.*  
 Robertus Achmuty, *A. B.*  
 Ichabod Best Barnet, *A. M.*  
 \*Lucas Babcock, *A. M. & Yal.*  
 Gulielmus Chandler, *A. B.*

†\* Prænomen ita Scriptum in Catalogo primo, quia  
 fortasse a cognomine deductum.



Clemens Cooke Clarke, *A. M.*

Joannes Copp, *A. M.*

‡Edvardus Dunscomb, *A. B.*

Nicolaus Heyliger, *A. B.*

Joannes Jauncey, *A. B.*

Henricus Nicoll, *A. B.*

‡Samuel Nicoll, *M. B.*

\*Georgius Ogilvie, *A. B.*

\*Georgius Panton, *A. M. & Aber.*

Joannes Rapelje, *A. B.*

\*Jacobus Sayre, *A. M. & Philad.*

Benjaminus Seaman, *A. B.*

Joannes Searle, *A. M.*

Edvardus Stevens, *A. B.*

‡Robertus Troup, *A. B.*

## 1775.

Quanquam hoc anno nulla comitia publica Aca-  
demica essent habita, absente Collegii Præsides,  
tamen studiosi, quorum nomina infra sunt scripta,  
laurea literarum donati, scil.

\**Rev.* Joannes Bowden, *A. M.*

Petrus Roebuck, *A. M.*

Ricardus Achmuty, *A. B.*

Gulielmus Amory, *A. B.*

‡Gulielmus Cock, *A. B.*

Josephus Griswold, *A. B.*

Joannes Gulielmus Livingston, *A. B.*

Jacobus Remsen, *A. B.*

1776.

Nulla comitia publica Academica habita, tamen  
Laurea Baccalaureatus in Artibus donati sunt.

Samuel Bayard, *A. B.*

Jacobus Devereux, *A. B.*

Petrus Kissam, *A. B.*

Matthias Nicoll, *A. B.*

Petrus Ogden, *A. B.*

†Marinus Willet, *A. B.*

*Notatione* dignum videtur neminem in ordinem studio-  
sorum ascitum esse, per annum, 1776, octavo enim Idus  
Aprilis, jussu Curatorum pro salute Reipublicæ selecto-  
rum, Quæstori Collegii nunciatum est, Collegium intra  
dies octo parandum esse, ut contuberniis militum inser-  
viret. Exinde studiosi necessariò dispersi, bibliotheca &  
apparatus Philosophicus in Curiam Municipalem delata,  
ibi deposita sunt; & Ædificium ipsum Academicum in  
*Valetudinarium* conversum.



Confecto bello, quo jura Americana, & RES-PUBLICA FÆDERATA confirmabantur, universa res Literaria quibusdam viris erat mandata, quibus, nomine MODERATORUM UNIVERSITATIS, omnia literarum Seminaria quodammodo erant subjecta, lege Reipublicæ Neo-Eboracensis Kalendis Maii, A. D. 1784; quique munus CURATORUM gerebant, usque ad Idus Aprilis Anno 1787.

MODERATORES UNIVERSITATIS NEO-EBORACENSIS, A. D. 1784, CONSTITUTI.

Præfectus Reipublicæ pro temp.

Præfecti Vicarius pro temp.

Senatus Princeps pro temp.

Concilii popularis Reipublicæ princeps pro temp.

Urbis Novi Eboraci Prætor pro temp.

Urbis Albanie Prætor pro temp.

Causarum publicarum procurator pro temp.

Præses & Professores Collegii pro temp.

A Secretis rei-publicæ pro temp.

*Moderatores  
ex  
officio.*

Brockholst Livingston,  
Robertus Harper,  
Gualterus Livingston,  
Christophorus Yates,  
Antonius Hoffman,  
Cornelius Humfrey,  
Ludovicus Morris,  
Philippus Pell, jun.  
Henricus Wisner,  
Joannes Haring,  
Christophorus Tappan,  
Jacobus Clinton,

Christophorus P. Yates,  
Jacobus Livingston,  
Abrahamus Bancker,  
Joannes C. Dongan,  
Matthæus Clarkson,  
Rutgerus Van Brunt,  
Jacobus Townsend,  
Thomas Lawrence,  
Ezra L'Hommedieu,  
Caleb Smith,  
Joannes Williams,  
Joannes M'Crea.

NOMINA ALIA MODERATORUM LEGE ADJECTA SEXTO  
KALENDAS DECEMBRIS, ANNO 1784.

Joannes Jay, <i>Reip. Neo-Eb. Praef.</i>	Leonardus Lispenard, Joannes Cochran, <i>M. D.</i>
Samuel Provoost, <i>S. Th. D.</i>	Carolus M'Knight, <i>M. D.</i>
Joannes H. Livingston, <i>S. Th. D.</i>	Thomas Jones, <i>M. D.</i>
Joannes Rodgers, <i>S. Th. D.</i>	Malachias Treat, <i>M. D.</i>
Joannes Mason, <i>S. Th. D. Aul. Nass.</i>	Nicolaus Romaine, <i>M. D. Edin.</i>
Joannes Ganoe,	Petrus W. Yates,
Joannes Daniel Gross, <i>S. Th. D.</i>	Matthæus Visscher,
Joannes Christoff Kunze, <i>S. Th. D.</i>	Hunlockus Woodruff, <i>M. D.</i>
Josephus Delaplaine,	Georgius J. L. Doll, <i>V.D.M.</i>
Gershomus Seixas, <i>Judaeor. Sacer.</i>	Joannes Vanderbilt, <i>Reip. Neo-Ebor. Senat.</i>
Alexander Hamilton, <i>L. L. D. &amp;c.</i>	Thomas Romaine, <i>V. D. M.</i>
Joannes Lawrence,	Samuel Buel, <i>V. D. M.</i>
Joannes Rutherford,	Gilbertus Livingston,
Morganus Lewis, <i>Reip. Neo- Ebor. Praef.</i>	Nathan Kerr, <i>V. D. M.</i>
	Ebenezer Lockwood,
	Joannes Lloyd,
	Harmanus Garrison,
	Ebenezer Russel,

NOMINA MODERATORUM UNIVERSITAIS LEGE CON-  
STITUTORUM IDIBUS APRILIS, A. D. 1787 :  
NUMERO VIGINTI & UNIUS PRÆSCRIPTO.

Provinciae Præfectus,	Jacobus Livingston,
Præfecti Vicarius,	Ebenezer Russel,



*Joannes Rodgers, S. Th. D.	†Ludovicus Morris,
†Egbertus Benson, L. L. D.	†Matthæus Clarkson,
&c.	*Benjaminus Moore, S. Th.
†Philippus Schuyler, Reip.	D. Coll. Col. Neo-Ebor.
Neo-Ebor. Senat.	*Eliardus Westerlo, S. Th.
†Ezra L'Hommedieu, Reip.	D. Aul. Nass.
Neo-Ebor. Senat.	*Andreas King,
*Nathan Carr,	*Gulielmus Linn, S. Th. D.
†Petrus Sylvester,	Coll. Col. Neo-Ebor.
JOANNES JAY, Reip. Neo-Eb.	†Jonathan G. Tompkins,
Praef. & Ad Aul. Brit. Legat.	Joannes M'Donald,
Theodoricus Romeyn, S. Th.	Fredericus Gulielmus Steu-
D. Nov. Bruno. in Nova.	ben, Baronus.
Caesarea.	

N. B. Ab hac lege sancita usque ad tempus præsens, multæ nominum Moderatorum factæ sunt mutationes; quia autem res Collegii Columbiani proximas non amplius administrant, nomina ista sunt omissa.

TANEEM LEGE REIPUBLICÆ NEO-EBOR. IDIBUS APRILIS, ANNO 1787, CHARTA REGIA CONFIRMATA, TITULO COLLEGII TANTUM, PAUCISQUE ALIIS NECESSARIÒ IMMUTATIS, QUORUM NOMINA SEQUUNTUR CURATORES CONSTITUTI SUNT, SCIL.

*Exitus.*

Jacobus Duane, Nov-Ebor. Praet. Urb.	abd.	1795.
Samuel Proovost, S. Th. D. & Episc. N. Eb.	abd.	1801.
Joannes H. Livingston, S. Th. D. & Prof.	vacu.	1810.
†RICARDUS VARICK, Nov-Ebor. Praet. Urb.		
†Alexander Hamilton, L. L. D. & Fœd. Reip. a		
Secr. Ær.	è vita dec.	1804.
Joannes Mason, S. Th. D.	abd.	1788.
*Jacobus Wilson,	vacuef.	1788.

## Exitus.

\*Joannes Gano, *Post Idus Martis 1788, nomen inter Curatores non apparet.*

†BROCKHOLST LIVINGSTON, *Quæstor. Ex Cur. Sup. Reip. Fæd. Jud.*

Robertus Harper, *abd. 1795.*

Joannes Daniel Gross, *S. Th. D. abd. 1787.*

Joannes Christoff Kunze, *S. Th. D. abd. 1792.*

Gualterus Livingston, *è vita dec. 1797.*

†Ludovicus Scott, *è vita dec. 1798.*

Josephus Delaplane, *munus nunquam suscepisse videtur.*

Leonardus Lisperard, *è vita dec. 1790.*

Abrahamus Beach, *S. Th. D. Coll. Col. N. Eb. vacu. 1813.*

Joannes Lawrence, *è vita dec. 1810.*

Joannes Rutherford, *Post duod. Kalend. Junii, 1787, nomen inter Curatores non apparet.*

MORGANUS LEWIS, *Reip. Neo-Ebor. Senat.*

& *Praef. & Sup. Cur. ejusd. Jud. abd. 1804.*

Joannes Cochran, *M. D. abd. 1794.*

Gershomus Seixas, *J. S. abd. 1815.*

Carolus McKnight, *M. D. abd. 1787.*

Thomas Jones, *M. D. è vita dec. 1798.*

Malachias Treat, *M. D. è vita dec. 1795.*

Samuel Bard, *M. D. abd. 1804.*

Nicolaus Romeyn, *M. D. abd. 1793.*

Benjaminus Kissam, *M. D. è vita dec. 1804.*

Ebenezer Crosby, *M. D. è vita dec. 1788.*

Qui munere *Curatorum* perfungerentur, donec numerus ad viginti quatuor morte, abdicatione aut migratione contraheretur, qui exinde munus *Curatorum* sustinerent soli, vicesque vacuas suffragiis supplerent.



## CURATORES POSTEA DESIGNATI.

<i>Accessus.</i>	<i>Exitus.</i>
1788. GULIELMUS S. JOHNSON, <i>L. L. D. Coll.</i> <i>Col. Praes. Reip. Fæd. Senat.</i>	<i>abd.</i> 1800.
1788. Ricardus Harison, <i>L. L. D. Nov. Ebor.</i> <i>Propr. Urb.</i>	
1789. Joannes Watts, <i>Fæd. Reip. Senat.</i>	
1790. Gulielmus Moore, <i>M. D.</i>	
1793. Edvardus Livingston, <i>Fæd. Reip. Senat.</i> <i>&amp; Novi-Eb. Praet.</i>	<i>vacuef.</i> 1806.
1793. Joannes M-Knight, <i>Coll. Col. Neo-Eb.</i> <i>S. Th. D.</i>	<i>abd.</i> 1795.
1794. Joannes Cosine,	<i>è vita dec.</i> 1798.
1795. Cornelius S. Bogert.	
1795. Joannes M. Mason, <i>S. Th. D.</i>	<i>vacuef.</i> 1811.
1795. Samuel Nicoll, <i>M. D.</i>	<i>è vita dec.</i> 1796.
1795. †Edvardus Dunscumb,	<i>è vita dec.</i> 1814.
1796. Georgius C. Anthon.	
1797. Philippus Livingston,	<i>abd.</i> 1806.
1799. Joannes Charleton, <i>M. D.</i>	<i>è vita dec.</i> 1806.
1799. Joannes N. Abeel, <i>S. Th. D. Aul.</i> <i>Nass.</i>	<i>è vita dec.</i> 1812.
1799. Jacobus Tillary, <i>M. D.</i>	
1801. Joannes H. Hobart, <i>Aul. Nass. A. M.</i> <i>&amp; S. Th. D. Episc. N. Ebor.</i>	
1802. Benjaminus Moore, <i>Coll. Col. Neo-Eb.</i> <i>S. Th. D. &amp; Epis. N. Ebor.</i>	<i>abd.</i> 1813.
1804. EGBERTUS BENSON, <i>L. L. D. Col. Harv.</i> <i>&amp; Ex. Fæd. Reip. Jud.</i>	
1804. Joannes Christoff Kunze, <i>S. Th. D. Coll.</i> <i>Col. N. Eb.</i>	<i>è vita dec.</i> 1807.
1805. Gouverneur Morris, <i>Fæd. Reip. Senat. &amp;</i> <i>apud Aul. Gall. Leg.</i>	
1805. Jacobus Radeliff, <i>Ex Cur. Sup. Neo-Ebor.</i> <i>Jud.</i>	

*Accessus.**Exitus.*

1806. Rufus King, *L. L. D. Col. Harv. & Coll.*  
*Dart. & Coll. Gul. A. A. S. & R. Fæd.*  
*Sen. & apud Brit. Aul. Leg.*
1806. Samuel Miller, *S. Th. D. U. Pen. vacuef.* 1813.
1807. Nicolaus Evertson, *è vita dec.* 1807.
1808. De Witt Clinton, *L. L. D. Col. N. B. in*  
*Nov. Caes. Reip. Neo-Eb. & Reip. Fæd.*  
*Sen. & S. Litt. & Phil. Neo-Eb. Praes.*  
*& Praet.* detr. 1808.
1808. Oliverus Wolcott, *Fæd. Reip. Senat. & Reip.*  
*Fæd. a Secr. Ær.*
1809. Joannes B. Romeyn, *S. Th. D.*
1811. Gulielmus Harris, *Coll. Harv. A. M. & Coll.*  
*Col. N. Ebo. S. Th. D.*
1811. Robertus Troup.
1812. Petrus Augustus Jay.
1812. Joannes M. Mason, *S. Th. D. & Prof.*  
*Coll. N. Eb. Praep.*
1813. Clemens C. Moore.
1813. Carolus Wilkes.
1815. David B. Ogden.
1815. Gulielmus Johnson.
1815. Joannes Wells.

Ex viris supra descriptis, seu lege constitutis, sive  
postea designatis, isti, quorum nominibus nulla nota ad-  
jecta est exitus, munus CURATORUM impræsentiarum  
obeunt.



CATALOGUS COLLEGII COLUMBIANI.  
SENATUS ACADEMICUS.

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PRÆSIDES SEU GYMNASIARCHÆ.

<i>Accessus.</i>	<i>Exitus.</i>
1787. GULIELMUS SAMUEL JOHNSON, <i>L. L. D. abd.</i>	1800.
—— <i>Rhetor. &amp; Litt. Elegant. Prof. praelect.</i> <i>liberatus.</i>	1795.
1801. *Rev. CAROLUS H. WHARTON, <i>S.</i> <i>Th. D.</i>	<i>abd.</i> 1801.
1801. *Admod. Rev. BENJAMINUS MOORE, <i>S.</i> <i>Th. D.</i>	<i>abd.</i> 1811.
1811. Rev. GULIELMUS HARRIS, <i>S. Th. D. Harv.</i> <i>&amp; Coll. Col. N. Eb.</i>	

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PRÆPOSITUS.

1811. *Rever. JOANNES M. MASON, <i>S. Th. D. &amp; Prof.</i>
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ARTIUM FACULTATIS PROFESSORES.

<i>Accessus.</i>	<i>Exitus.</i>
1784. *Rev. JOANNES PETRUS TETARD, <i>Ling.</i> <i>Gall. Prof.</i>	<i>derel.</i> 1787.
1784. *Gulielmus Cochran, <i>Litt. Græc. &amp;</i> <i>Lat. Prof.</i>	<i>abd.</i> 1789.
1784. *Rev. Benjaminus Moore, <i>Rhet. &amp; Logic.</i> <i>Prof.</i>	<i>vacu.</i> 1787.

## Accessus.

## Exitus.

1784. \*Rev. Joannes Christoff Kunze, *Ling.*  
*Orient. Prof.* abd. 1787.
1792. ————— *refectus S. T. D. N. Eb.* abd. 1795
1784. \*Rev. Johannes Daniel Gross, *Ling.*  
*Germ. & Geog. Prof.*
1787. ————— *Phil. Moral. Prof. S. Th.*  
*D. N. Eb.* abd. 1795.
1785. Samuel Bard, *M. D. Phys. & Astron.*  
*Prof.* abd. 1786.
1785. Henricus Moyes, *L. L. D. Hist. Nat. &*  
*Chem. Prof.* abd. 1786.
1785. Joannes Kemp, *Math. Tut.*
1786. ————— *Math. Prof.*
1786. ————— *suscepit Munera Phys.*  
*Prof. L. L. D. Aber. R. S. E. S.*
1795. ————— *Geograph. Prof. è vita dec.* 1812.
1789. Petrus Wilson, *A. M. Aber. Litt. Graec.*  
*& Lat. Prof.* abd. 1792.
1797. ————— *refectus & Ant. Rom. &*  
*Graec. Prof. L. L. D. Coll. Un. N. Eb.*  
*& S. Litt. & Ph. N. Eb. a Con.*
1792. \*Rev. Elias D. Rattoon, *Litt. Graec. &*  
*Rom. Prof.*
1794. ————— *Antiq. Graec. & Rom.*  
*Prof. S. T. D. Aul. Nassov.* abd. 1797.
1792. Samuel Latham Mitchill, *L. L. D. &*  
*M. D. Hist. Nat. Chem. & Agricult.*  
*Prof.* dimiss. 1801.
- *Rei Herbar. Prof.* abd. 1795.
- *Edin. M. D., Alb. A. S. S.,*  
*A. & Sc. Bost. S., S. Ph. Am. Ph. S., S.*  
*H. N. V. Ph. S., S. Ant. Sc. S., S. H. &*  
*An. Mass. S. Cor., S. M. Lond. S., A. A.*  
*Litt. El. & Com. Massil. S. Cor., A. A.*  
*& Sc. Por. Lab. S. Cor., S. Par. Sc. Phy.*



*Accessus.**Exitus.*

- & N. S. Cor., A. R. M. Mad. S. Cor., S.  
 Litt. & Ph. Præst. S., S. Ag. Ph. S. Cor.,  
 Reip. Neo-Eb. P. C. S., Reip. Fæd. P. C.  
 S., Reip. Fæd. Sen., S. Litt. & Phil. Neo-  
 Eb. S. & ex S. U. Neo-Ebor. H. N. Pr. &c.
1792. Yillette De Marcellin, *Ling. Gall. Prof. derel.*
1793. Jacobus Kent, *L. L. D. Reip. Neo-Eb.*  
*Cur. Supr. Jud. prim. & ejusd. Cancell.*  
*Legis. Municip. Prof. &c.* abd. 1798.
1795. \*Rev. Joannes M<sup>r</sup> Knight, *S. T. D. Coll.*  
*Col. Nov. Eb. Phil. Mor. & Log. Prof. abd.*
1795. Rev. Joannes Bisset, *A. M. Aberd. Rhet.*  
*& Litt. Elegant. Prof.* vacuef.
1801. Rev. Joannes Bowden, *S. T. D. Coll. Col.*  
*N. Eb. Rhet. Phil. Mor. Litt. Eleg. &*  
*Log. Prof.*
1813. Robertus Adrain, *Math. & Phys. Prof.*
1813. †Jacobus Renwick, *A. M. Coll. Col. N.*  
*Eb. Tutor Phys. pro temp.* derel. 1813.
1813. Henricus Vethake, *A. M. Coll. Col. N.*  
*Eb. Math. & Geog. pro temp. Tutor.*  
*Math. & Phil. Nat. in Coll. N. Br. in*  
*Nova Caes. Prof.* derel. 1813.

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 MEDICINÆ FACULT. PROFESSORES.
*Accessus.**Exitus.*

1784. Samuel Bard, *M. D. Chem. Prof.* abd. 1785.
1786. ————— *refectus* abd. 1787.
1792. ————— *Facultatis Medicin. DECANUS.*
1785. Benjaminus Kissam, *M. D. Inst. Med.*  
*Prof.* abd. 1792.

*Accessus.**Exitus.*

1785. Carolus M'Knight, *M. D. Anat. & Chirurg. Prof.* *è vita dec.*
1785. Ebenezer Crosby, *Coll. Harv. A. M. Coll. Phil. M. B. Art. Obst. Prof.* *è vita dec.* 1788
1785. Nicolaus Romaine, *M. D. Prax. Med. Prof.* *abd.* 1787.
1791. ————— *Lect. in Chem. Anat. & Prax. Med.* *abd.* 1792.
1792. Ricardus Bayley, *Anat. Prof.* *abd.* 1793.
1793. ————— *Chirurg. Prof.* *abd.*
1792. Samnel Nicoll, *M. D. Chem. Prof.* *abd.* 1792.
1792. ————— *Prax. Med. Prof.* *abd.* 1794.
1792. Joannes R. B. Rogers, *M. D. Art. Obs. Prof.* *abd.* 1808.
1792. Gulielmus P. Smith, *M. D. Mat. Med. Prof.* *è vita dec.* 1795.
1794. ————— *Prax. Med. Prof. & Lect. Clin.*
1794. ————— *Prax. Med.* *detrect.* 1794.
1792. Wright Post, *M. D. Chirur. Prof.* *abd.* 1793.
1793. ————— *Anat. Prof.* *vacuef.* 1813.
- In Un. N. Eb. An. Phys. & Chir. Prof. & S. Litt. & Ph. N. Eb. a Con.*
1792. Gulielmus Hamersley, *M. D. Med. Inst. Prof.* *abd.* 1808.
1795. ————— *Theor. & Prax. Med. Prof.* *vacuef.* 1813.
- In U. N. Eb. M. Cl. Prof.*
1792. Ricardus Sharpe Kissam, *M. D. Rei Herb. Prof.* *abd.* 1793.
1794. Edvardus Stevens, *M. D. Prax. Med. Prof.* *abd.* 1795.
1795. David Hosack, *M. D. Edin. Rei Herb. Prof.* *abd.* 1811.
1796. ————— *Rei Herb. & Mat. Med. conjunct. Prof.* *abd.* 1814.
- L. S. L. S. Theor. & Prax. M. & Cl. M.*



*Accessus.**Exitus.**Pr. in Un. Neo-Eb. & S. Litt. & Phil.**N. Eb. ex Vice-Praes.*1802. Jacobus Stringham, *M. D. Chem. Prof. abd.* 1813.*In Un. N. Eb. For. Med. Prof.*1808. Joannes C. Osborn, *M. D. Inst. Med.**Prof.**vacuef. }*

1813.

*Mat. Med. Prof.**In Univ. N. Eb. Obst. Prof.*1808. Gualterus C. Buchanan, *M. D. Art.**Obst. Prof.**vacuef. 1813.*1811. Valentinus Mott, *M. D. Chirur. Prof.**In Un. N. Eb. Chir. Prof.**vacuef. 1813.*1814. Joannes Griscomb, *Chem. Prof.*

N. B. Facultatis Medicinæ in Collegio Columbiano Professores, A. D. 1813, cum ejusdem facultatis Professoribus in Collegio Medic. & Chirur. lege Reipublicæ constituto, Curatorum Col. Col. consensu coaluisse: ex quo tempore omnia instituta ad facultatem Medicinæ in Col. Col., ejusque Professores pertinentia, sunt abrogata; nemine nisi Chemiæ Professore relicto.

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**QUÆSTOR.**

1784. †Brockholst Livingston.

*Notetur, Nomina, nullâ designatione exitus, abdicationis vel derelictionis adjecta, munus suum adhuc obire.*

## CATALOGUS,

NOMINA EORUM EXHIBENS, QUI IN COLLEGIO COLUMBIANO NEO-EBORACENSI LAUREA GRADUS ALICUJUS DONATI FUERUNT, AB ANNO 1786 AD ANNUM 1814 INCLUSUM.

1786.

\*Joannes Basset, *A. B. S. Th D.*

†Dewitt Clinton, *A. B. N. Eb. Praet. Ur. Reip. N. Eb. & Reip. Fæd. Sen. S. Litt. & Phil. N. Eb. Praes. &c.*

Abrahamus Hunn, *A. B.*

Georgius Livingston, *A. B.*

Philippus H. Livingston, *A. B.*

Samuel Smith, *A. B.*

\*Petrus Stediford, *A. B.*

Franciscus Sylvester, *A. B.*

1787.

Samuel Boyd, *A. B.*

Nicolaus Fonda, *A. B.*

Jacobus Hardie, *A. B.*

Joannes Ludlow, *A. B.*

Henricus Cruger Van Schaick, *A. B.*

Joannes W. Yates, *A. B.*



## 1788.

\**Rev. Robertus Annan, A. M.*

\**Gulielmus Cochran, Col. S. S. T. Dub. A. B.*  
*Coll. Col. A. M.*

‡*Alexander Hamilton, A. M. Coll. Harv. L. L.*  
*D. & Fæd. Reip. a Secr. Ærar.*

*Robertus Carolus Johnson, A. M. Val. ad eund.*

‡*Samuel Latham Mitchill, A. M.*

‡*Daniel Crommeline Verplanck, A. M.*

*Joannes Watkins, A. M.*

‡*Jacobus Cochran, A. B.*

*Johannes Eccles, A. B.*

*Petrus Schuyler Livingston, A. B.*

\**Brandt Schuyler Lupton, A. B.*

## 1789.

\**Rev. Abrahamus Beach, S. T. D.*

—— \**Johannes Daniel Gross, S. T. D.*

—— \**Jacobus Ritson Hardenbergh, S. T. D.*

—— \**Jeremias Leaming, S. T. D.*

—— \**Gulielmus Linn, S. T. D.*

—— \**Benjaminus Moore, S. T. D.*

\**Rogerus Alden, A. M. Val. ad eund.*

\**Joannes Basset, A. M.*

‡*Dewitt Clinton, A. M.*

*Abrahamus Hunn, A. M.*

‡*Samuel Gulielmus Johnson, A. M. Val. ad eund.*

*Philippus H. Livingston, A. M.*

Samuel Smith, *A. M.*

\*Petrus Stediford, *A. M.*

Franciscus Sylvester, *A. M.*

Joannes Bainbridge, *A. B.*

Jacobus Duane, *A. B.*

Gulielmus Hurst, *A. B.*

Henricus Izard, *A. B.*

Gulielmus Lupton, *A. B.*

†Joannes M. Mason, *A. B. Coll. Col. Cur. & Praep. ex Un. Pen. S. Th. D. in Sem. Syn. Cons. Reform. S. Th. Prof. & S. Litt. & Phil. Neo-Ebor. V. Pr. &c.*

Matthæus Mesier, *A. B.*

Petrus Mesier, *A. B.*

†Joannes Remsen, *A. B.*

†Joannes Van Ness, *A. B.*

## 1790.

\*Rev. Josua Bloomer, *S. T. D.*

†Gulielmus Cock, *A. M.*

Jacobus Hardie, *A. M.*

\*Rev. Henricus Maeller, *A. M.*

\*—— Thomas Moore, *A. M.*

\*—— Jacobus Proudfit, *A. M.*

\*David Schuyler Bogert, *A. B.*

\*Marmaducus Earle, *A. B.*

\*Jonathan Freeman, *A. B.*

Georgius Graham, *A. B.*

Joannes Graham, *A. B.*

\*Fredericus Halsey, *A. B.*



1791.

‡Jacobus Cochran, *A. M.*‡Schuyler Livingston, *A. M.*Petrus Anderson, *A. B.*‡Antonius Bleecker, *A. B. S. Litt. & Ph. Neo-  
Eb. S.*Gulielmus Bleecker, *A. B.*Gulielmus Broome, *A. B.*Gualterus Cochran, *A. B.*Petrus Fleming, *A. B.*\*Gulielmus Hendell, *A. B.*\*Cave Jones, *A. B.*Isaacus Knevils, *A. B.*Joannes Knevils, *A. B.*Lancaster Lupton, *A. B.*‡Joannes Mulligan, *A. B.*Carolus Ogden, *A. B.*‡Thomas Ludlow Ogden, *A. B.*‡Daniel Paris, *A. B.*Georgius Rapelje, *A. B.*\*Fredericus Van Horn, *A. B.*Gulielmus Beekman Verplanck, *A. B.*‡Nathan White, *A. B.*Jessæus Woodhull, *A. B.*‡Jacobus Woods, *A. B.*

## 1792.

Gerardus Beekman, *A. B.*

\*Cornelius Brower, *A. B.*

Alexander Hosack, *A. B. Coll. Col. N. Ebor.  
M. D.*

\*Joannes Johnson, *A. B.*

Jacobus Nicholson, *A. B.*

Joannes Norton, *A. B.*

Jothamus Post, *A. B. Coll. Col. N. Eb. M. D.*

\*Alexander Proudfit, *A. B. S. Th. D.*

Samuel Smith, *A. B.*

Gulielmus Taylor, *A. B.*

Georgius Taylor, *A. B.*

## 1793.

\*Rev. Ebenezer Dibblee, *S. T. D.*

\*—— Andreas Jaffray, *Scoto Brit. S. T. D.*

\*—— Gulielmus Ogilvie, *Aberd. S. T. D.*

Samuel Burrowe, *M. D.*

Joannes B. Hickes, *M. D.*

Jothamus Post, *M. D.*

Willet Taylor, jun. *M. D.*

Josephus Young, *M. D.*

Joannes Ludlow, *A. M.*

Joannes Brower, *A. B.*

†Georgius Clinton, jun. *A. B. Reip. Fæd. C.  
P. S.*

†Gulielmus Cutting, *A. B.*



Cornelius Decker, *A. B.*  
 †Georgius I. Eacker, *A. B.*  
 Samuel Gilford, jun. *A. B.*  
 Carolus D. Gould, *A. B.*  
 Robertus Heaton, jun. *A. B.*  
 Joannes I. Johnson, *A. B.*  
 †Samuel Jones, jun. *A. B.*  
 †Edvardus W. Laight, *A. B.*  
 Henricus W. Ludlow, *A. B.*  
 †Henricus Masterton, *A. B.*  
 \*Philippus Milledoler, *A. B. U. Penn. S. Th. D.*  
 Joannes Nicholl, *A. B.*  
 Robertus B. Norton, *A. B.*  
 Abrahamus Ogden, jun. *A. B.*  
 †Jacobus Parker, *A. B.*  
 †Jonathan Pearsee, *A. B.*  
 Valentinus H. Peters, *A. B.*  
 Joannes S. Schermerhorn, *A. B.*  
 Gilbertus Smith, *A. B. M. D.*  
 Thomas R. Smith, *A. B.*  
 †Jacobus Stringham, *A. B. M. D. in Un. N. Eb. F.*  
*M. Prof. & S. Litt. & Ph. Neo-Eb. S.*  
 Thomas Thompson, *A. B.*  
 Cornelius A. Van Horne, *A. B.*  
 †Elias B. Woodward, *A. B. in Ter. Mich. nuper*  
*Jud.*

1794.

David G. Abeel, *M. D.*  
 Petrus Irvin, *M. D.*

Henricus Mead, *M. D.*

\*Cave Jones, *A. M.*

\*Ricardus C. Moore, *A. M. Virg. Epis.*

Gulielmus Cocks, *A. B.*

Joannes Fisher, *A. B.*

†Joannes Forbes, *A. B.*

Levi Graham, *A. B.*

Montgomery Hunt, *A. B.*

\*Jacobus Janeway, *A. B.*

†Petrus A. Jay, *A. B. Coll. Col. ex Cur. & S.*

*Litt. & Ph. N. Eb. S.*

†Cyrus King, *A. B.*

†Leffert Lefferts, *A. B.*

Jacobus Mackie, *A. B.*

Samuel Malcolm, *A. B.*

Gilbertus Milligan, *A. B.*

Joannes Stringham, *A. B.*

Petrus Stuyvesant, *A. B.*

Thomas Ustic, *A. B.*

## 1795.

Petrus Anderson, *M. D.*

Gulielmus Morey Ross, *M. D.*

Timotheus Fletcher Wetmore, *M. D.*

Petrus Anderson, *A. M.*

Joannes Campbell, *A. M.*

Joannes Coffin, *A. M.*

Jothamus Post, jun. *A. M.*

\*Fredericus Van Horn, *A. M.*

†Nathan White, *A. M.*



- \*Georgius Barculoo, *A. B.*  
 \*Philippus Duryee, *A. B.*  
 Bernardus Elliot, *A. B.*  
 Joannes I. Faesch, *A. B.*  
 †Joannes Ferguson, *A. B. Rer. Nav. in Tel. pub.*  
     *Fæd. N. Eb. Cur. & Praet. Urb.*  
 Thomas Herring, *A. B.*  
 \*Jacobus Inglis, *A. B.*  
 Nicholas Jones, *A. B.*  
 Adolphus Lent, *A. B. Coll. Col. N. Eb. M. D.*  
 \*Joannes B. Linn, *A. B. U. Pen. S. Th. D.*  
 †Sylvanus Miller, *A. B. In Urb. N. Eb. Test.*  
     *&c. Cur. Pub.*  
 \*Joannes H. Meier, *A. B.*  
 \*Joannes Morison, *A. B.*  
 Alexander Phœnix, *A. B.*  
 Sidney Phœnix, *A. B.*  
 Thomas Phœnix, *A. B.*  
 Robertus Remsen, *A. B.*  
 \*Joannes B. Romeyn, *A. B. S. Th. D. & ex*  
     *Coll. Col. Cur.*  
 Gulielmus Ross, *A. B. Pop. Con. N. Eb. Reip. S.*  
 Henricus Sands, *A. B.*  
 Benjaminus Seaman, *A. B.*  
 Jacobus B. Temple, *A. B.*  
 †DANIEL D. TOMPKINS, *A. B. Reip. Neo-Ebor.*  
     *Cur. Supr. Judex. & Praef.*  
 †Petrus C. Van Wyck, *A. B. N. Eb. Propr. Urb.*  
 Effingham Warner, *A. B.*  
 †Rensellaer Westerlo, *A. B.*  
     † Pierre.

## 1796.

Alexander Anderson, *M. D.*  
 Winthrop Saltonstall, *M. D.*  
 David Barclay, *A. B.*  
 Henricus Cruger, *A. B.*  
 Philippus Fisher, *A. B.*  
 Andreas Garr, *A. B.*  
 David Jones, *A. B.*  
 Edvardus Livingston, *A. B.*  
 Samuel Nicholson, *A. B.*  
 Gouverneur Ogden, *A. B.*  
 Gulielmus Rattoone, *A. B.*  
 Josias Shippey, *A. B.*  
 Carolus Taylor, *A. B.*  
 Gulielmus Turk, *A. B.*  
 Laurentius Van Buskirk, *A. B.*  
 Adrianus Van Sleigh, *A. B.*  
 Joannes Watts, *A. B.*

## 1797.

\**Rev. Joannes Bowden, S. T. D. & S.*  
*Litt. & Ph. N. Eb. a Con.*  
 †*Jacobus Kent, L. L. D. Reip. N. Eb. Cur. Sup.*  
*Jud. Prim. & Can. & S. Litt. & Ph. N. Eb.*  
*ex Vice-Praes.*  
 Gulielmus Bay, *M. D.*  
 Alexander Hosack, *M. D.*  
 †*Antonius Bleecker, A. M.*



Gulielmus T. Broome, *A. M.*  
 †Georgius I. Eacker, *A. M.*  
 Petrus E. Fleming, *A. M.*  
 Carolus D. Gould, *A. M.*  
 Robertus Heaton, *A. M.*  
 \*Jacobus G. Janeway, *A. M.*  
 \*Samuel Andreas Law, *A. M. Yal. ad eund.*  
 \*Philippus Milledoler, *A. M.*  
 Joannes Nicholl, *A. M.*  
 \*Jacobus Stringham, *A. M.*  
 Gulielmus Bard, *A. B.*  
 Robertus Boyd, *A. B.*  
 Archibaldus Bruce, *A. B. M. D. Edin. & S.*  
*Litt. & Ph. N. Eb. a Con.*  
 Georgius W. Clinton, *A. B.*  
 Abrahamus Lawrence, *A. B.*  
 Gulielmus Le Conte, *A. B.*  
 Henricus Kunze, *A. B.*  
 Isaacus Van Hook, *A. B.*  
 Gulielmus Van Ness, *A. B.*

1798.

Adolphus C. Lent, *M. D.*  
 Adolphus C. Lent, *A. M.*  
 Thomas Herring, *A. M.*  
 \*Joannes B. Linn, *A. M.*  
 Henricus Sands, *A. M.*  
 \*Gulielmus Best, *A. M. Hon. Ergo.*  
 Gulielmus Scott, *A. M. Hon. Ergo.*

Andreas Smith, *A. M. Hon. Ergo.*

\**Rev. Robertus G. Wetmore, A. M. Hon. Ergo.*

Josephus Bainbridge, *A. B.*

\*Thomas Bay, *A. B.*

Georgius Brinckerhoff, *A. B.*

Jacobus Brower, *A. B. Coll. Col. N. Eb. M. D.*

Rudolphus Bunner, *A. B.*

†David Codwise, *A. B.*

Georgius Davis, *A. B.*

†Carolus Graham, *A. B.*

Joannes Irvin, *A. B.*

Philippus Jones, *A. B.*

Gulielmus Keese, *A. B.*

\*Washington M<sup>c</sup>Knight, *A. B.*

Clemens C. Moore, *A. B. Coll. Col. N. Eb. ex*

*Cur.*

Samuel Moore, *A. B.*

Gulielmus Ogden, *A. B.*

Gulielmus Rhineland, *A. B.*

Ludovicus Sands, *A. B.*

Jacobus Walsh, *A. B.*

1799.

\*Joannes Christie, *A. B.*

\*Petrus D. Freligh, *A. B.*

Ludovicus Le Conte, *A. B.*

Jacobus Livingston, *A. B.*

Jacobus Lynch, *A. B.*

Thornton Mackaness, *A. B.*

Jacobus Manley, *A. B. Coll. Col. N. Eb. M. D.*



Alexander Murray, *A. B.*  
 \*Philippus Myers, *A. B.*  
 Stephanus Price, *A. B.*  
 Samuel Riker, *A. B.*  
 \*Jacobus Schoonmaker, *A. B.*  
 \*Arthurus Stansbury, *A. B.*  
 \*Petrus Van Pelt, *A. B.*  
 Abrahamus Varick, jun. *A. B.*  
 Joannes V. Varick, *A. B.*  
 Arthurus Walter, *A. B.*  
 David Wright, *A. B.*

## 1800.

\*Rev. Jonathan Freeman, *A. M.*  
 Joannes Depeyster, *A. B.*  
 Samuel Halstead, *A. B.*  
 Philippus Hamilton, *A. B.*  
 Samuel Harris, *A. B. S. Litt. & Ph. N. Eb. S.*  
 Joannes Henry, *A. B.*  
 Joannes Huyler, *A. B.*  
 Robertus Livingston, *A. B.*  
 Joannes M'Kinnon, *A. B.*  
 Nicholas Quackenboss, *A. B. Coll. Col. Neo-Eb.*  
*M. D.*  
 Thomas Rathbone, *A. B.*  
 Samson Simson, *A. B.*  
 Matthæus Tillary, *A. B.*  
 Carolus Floyd Thomas, *A. B.*  
 Joannes Ward, *A. B.*  
 Georgius Wilson, *A. B.*

‡Petrus Wilson, *A. B.*

## 1801.

Georgius Brinckerhoff, *A. M.*

Jacobus Brower, *A. M. Coll. Col. Neo-Eb. M. D.*

Georgius Davis, *A. M.*

‡Clemens C. Moore, *A. M.*

Joannes Anthon, *A. B.*

Robertus Benson, *A. B.*

Abrahamus L. Blauvelt, *A. B.*

\*Samuel Bogert, *A. B.*

‡Thomas Bolton, *A. B.*

Joannes Furman, *A. B.*

\*Joannes Gosman, *A. B.*

‡Joannes Nitchie, *A. B. N. Eb. ex Com. Con.*

Ludovicus Morris Ogden, *A. B.*

Henricus Schenk, *A. B.*

Henricus H. Schiefflin, *A. B.*

Gabriel Tichenor, *A. B.*

Gulianus Verplanck, *A. B. S. Litt. & Phil. N.  
Eb. S.*

Samuel Walsh, *A. B.*

Gabriel Winter, *A. B.*

## 1802.

\*Rev. Jacobus Kemp, *Mar. S. T. D.*

Josephus Baillie, *M. D.*

Nicolaus Quackenboss, *M. D.*

Jacobus V. Brower, *M. D.*

Ricardus L. Walker, *M. D.*



Thomas Thornton Mackaness, *A. M.*  
 Jacobus Manley, *A. M. Coll. Col. N. Eb. M. D.*  
 \*Jacobus Schoonmaker, *A. M.*  
 Arthurus M. Walter, *A. M.*  
 \*Rev. Gulielmus Duke, *Mar. A. M. Hon. Ergo.*  
 Alexander Beebee, *A. B.*  
 Joannes Crosby, *A. B.*  
 Joannes Delafield, *A. B.*  
 Gulielmus Gardner, *A. B.*  
 Georgius Gosman, *A. B.*  
 Franciscus Harison, *A. B.*  
 Jacobus Jones, *A. B.*  
 Henricus Laight, *A. B.*  
 Leffert Lefferts, *A. B.*  
 †Robertus Macomb, *A. B.*  
 Joannes Macomb, *A. B.*  
 Jacobus M'Vickar, *A. B.*  
 †Archibaldus M'Vickar, *A. B.*  
 Nathaniel F. Moore, *A. B.*  
 Isaacus Ogden, *A. B.*  
 Gulielmus Ogilvie, *A. B.*  
 Henricus Priest, *A. B.*  
 Billop Seaman, *A. B.*  
 Jacobus Tillary, *A. B.*  
 Hubertus Van Wagenen, *A. B.*

1803.

Isaacus Foster, *M. D.*  
 Jacobus R. Manley, *M. D.*  
 Samuel Scofield, *M. D.*

Joannes Huyler, *A. M.*  
 Joannes M'Kinnon, *A. M.*  
 Nicolaus Quackenboss, *A. M. Coll. Col. N. Eb.*  
*M. D.*  
 Isaacus Van Hook, *A. M.*  
 \**Rev.* Petrus I. Van Pelt, *A. M.*  
 Georgius Wilson, *A. M.*  
 †Petrus Wilson, *A. M.*  
 Georgius Atkinson, *A. B.*  
 Joannes Bay, *A. B.*  
 Joannes Bowne, *A. B.*  
 Thomas Crolius, *A. B.*  
 Augustus Fleming, *A. B.*  
 Edvardus Jones, *A. B.*  
 Gouverneur Kemble, *A. B.*  
 Petrus Kemble, *A. B.*  
 Edvardus Kemeys, *A. B.*  
 †Joannes Lawrence, *A. B.*  
 Joannes Le Conte, *A. B.*  
 Georgius Quackenboss, *A. B.*  
 Gulielmus Remsen, *A. B.*  
 Henricus Rogers, *A. B.*  
 †Alpheus Sherman, *A. B.*  
 Joannes Stevens, *A. B.*  
 Samuel Thomson, *A. B.*

1804.

\**Rev.* Edvardus Jenkins, *S. T. D.*  
 Gulielmus Barrow, *M. D.*  
 Ezekiel Ostrander, *M. D.*



Daniel D. Walters, *M. D.*

\*Washington M. Knight, *A. M.*

\*Joannes H. Meier, *A. M.*

Gulielmus Rhineland, *A. M.*

†Jacobus Woods, *A. M.*

\*Rev. Edmundus Barry, *A. M. Hon. Ergo.*

\*—Jacobus Larzelere, *A. M. Hon. Ergo.*

\*—Petrus Stryker, *A. M. Hon. Ergo.*

Samuel Akerly, *A. B. S. Med. & Chir. Neo-  
Eb. S. & S. Litt. & Phil. N. Eb. S.*

Joannes Barnum, *A. B.*

Gulielmus D. Blackwell, *A. B.*

Georgius Bryar, *A. B.*

†Elisæus Camp, *A. B.*

\*Cornelius Demarest, *A. B.*

†Jeremias I. Drake, *A. B.*

Gulielmus Edgar, *A. B.*

Gulielmus Gracie, *A. B.*

Joannes T. B. Graham, *A. B.*

Henricus Hagerman, *A. B.*

Alexander Hamilton, *A. B.*

Ricardus Harison, *A. B.*

Jacobus Livingston, *A. B.*

Gulielmus Lytton, *A. B. Coll. Col. N. Eb. M. D.*

\*Joannes M. Vickar, *A. B.*

Edvardus Manley, *A. B.*

Joannes Mitchell, *A. B.*

Josephus Nelson, *A. B.*

Gulielmus Price, *A. B.*

Philippus Rhineland, *A. B.*

Samuel Rogers, *A. B.*

David M. Ross, *A. B.*

Robertus Seaman, *A. B.*

†Joannes I. Sickles, *A. B.*

Thomas D. Smith, *A. B.*

Carolus Stuart, *A. B.*

\*Joannes Thomson, *A. B.*

Jacobus Watson, *A. B.*

Joannes Watts, *A. B.*

## 1805.

Thomas Cock, *M. D.*

Benjaminus Kissam, *M. D.*

†Robertus Macomb, *A. M.*

Nathaniel F. Moore, *A. M.*

*Rev.* Clemens Merriam, *A. M. Hon. Ergo.*

Petrus Allaire, *A. B.*

Jacobus Bibby, *A. B.*

Leonardus Bleecker, *A. B.*

Gulielmus Cock, *A. B.*

Benjaminus Coles, *A. B.*

\*Joab Cooper, *A. B.*

Jacobus Fine, *A. B.*

Jacobus Fleming, *A. B.*

\*Alexander Gunn, *A. B.*

†Ricardus Hatfield, *A. B. Reip. N. Eb. Pop.*  
*Con. S.*

Jacobus Hamilton, *A. B.*

Robertus Jaques, *A. B.*

Thomas Lefferts, *A. B.*

Thomas M. Gehagan, *A. B.*



Henricus Onderdonk, *A. B. M. D. Edin.*

Edmundus H. Pendleton, *A. B.*

\*Abrahamus Purdy, *A. B.*

Edvardus Seaman, *A. B.*

Joannes Smith, *A. B.*

Robertus I. Watts, *A. B.*

1806.

Gulielmus Jacobus M'Neven, *M. D. Vindeb. ad eund. In Un. N. B. Ch. Prof.*

Valentinus Mott, *M. D. In Un. N. Eb. Chir. Prof.*

\*Joannes Bartow, *A. B.*

\*Georgius Boyd, *A. B.*

Joannes Christie, *A. B.*

Joannes Petrus Dewint, *A. B.*

Gulielmus E. Dunscomb, *A. B.*

Gilbertus Fowler, *A. B.*

Jonathan Gosman, *A. B.*

\*Robertus M'Leod, *A. B.*

Jacobus M'Cullen, *A. B.*

Cornelius Miller, *A. B.*

Samuel Moore, *A. B.*

\*David Moore, *A. B.*

Ferris Pell, *A. B.*

David Quackenbush, *A. B.*

Samuel B. Romaine, *A. B.*

Fredericus Rooreback, *A. B.*

Cornelius Schermerhorn, *A. B.*

Philippus Schuyler, *A. B.*

Joannes Smith, *A. B.*

Joannes Tillinghast, *A. B.*

1807.

Allire R. Delile, *M. D.*

Gulielmus L. Lytton, *M. D.*

Samuel Akerly, *A. M.*

Jeremias I. Drake, *A. M.*

Gulielmus L. Lytton, *A. M.*

David M. Ross, *A. M.*

†Joannes I. Sickles, *A. M.*

\**Rev.* Joannes Thomson, *A. M.*

†Egbertus Benson, jun. *A. B.*

Joannes L. Bronk, *A. B.*

Joannes H. Brower, *A. B.*

Gulielmus E. Burrel, *A. B. M. D. Soc. Med.*

& *Chirurg. Neo-Ebor. S.*

Georgius R. Copland, *A. B.*

†Henricus Dodge, *A. B.*

Robertus Gosman, *A. B.*

Joannes H. Hill, *A. B.*

Philippus M. Holmes, *A. B.*

Daniel Mack, *A. B.*

Petrus T. Marselis, *A. B.*

Gulielmus H. Maxwell, *A. B.*

Simeon Remsen, *A. B.*

†Jacobus Renwick, *A. B. Coll. Col. Neo-Eb.*

*Tut. & S. Litt. & Ph. N-Eb. a Secr.*

Georgius P. Rogers, *A. B.*

Theodoricus B. Stockholm, *A. B.*



Petrus V. E. Tappan, *A. B.*  
 Cornelius Van Buren, *A. B.*  
 Jacobus Van Cortland, *A. B.*  
 Theodorus V. W. Varick, *A. B.*  
 Philippus G. Van Wyck, *A. B.*  
 Carolus A. Williamson, *A. B.*

1808.

\*Joab Cooper, *A. M.*  
 \*Alexander Gunn, *A. M.*  
 Robertus Jaques, *A. M.*  
 Josephus Nelson, *A. M.*  
 Henricus Onderdonk, *A. M.*  
 \*Joannes Thomson, *A. M.*  
 Gulielmus Atkinson, *A. B.*  
 \*Gulielmus Berrian, *A. B.*  
 Lionellus Brown, *A. B.*  
 \*Timotheus Clowes, *A. B.*  
 Henricus Francis, *A. B.*  
 Jacobus Inderwick, *A. B.*  
 Robertus M'Cartee, *A. B.*  
 \*Joannes M'Knight, *A. B.*  
 Hugo Maxwell, *A. B.*  
 Fredericus Muzzy, *A. B.*  
 Joannes Philips, *A. B.*  
 Edvardus Post, *A. B. Coll. Edin. M. D.*  
 Gulielmus Rhineland, jun. *A. B.*  
 Henricus Ross, *A. B.*  
 \*Gilbertus H. Sayres, *A. B.*  
 Jacobus Stevens, *A. B.*

Gulielmus Stuart, *A. B.*  
 Daniel Van Mater, *A. B.*  
 †Henricus Vethake, *A. B. Coll. Col. N. Eb. Tut.*  
     & *Ph. N. N. Brun. in N. Caes. Prof.*  
 Petrus D. Vroome, *A. B.*  
 Joannes Watts, jun. *A. B.*

## 1809.

\**Rev.* Joannes V. Bartow, *A. M.*  
 Henricus Onderdonk, *A. M.*  
 Abrahamus Brunson, *A. M. Hon. Ergo.*  
 Thomas Aspinwall, *A. B.*  
 Samuel Berrian, *A. B.*  
 Edvardus Bibby, *A. B.*  
 \*Joannes Brady, *A. B.*  
 Joannes Cadle, *A. B.*  
 Gerardus Conrey, *A. B.*  
 Edvardus Copland, *A. B. S. Med. & Chir. N.*  
     *Eb. S.*  
 Cornelius R. Duffie, *A. B.*  
 Thomas Dugan, *A. B.*  
 Joannes Fine, *A. B.*  
 Alexander Fleming, *A. B.*  
 Alfredus C. Loyd, *A. B.*  
 Joannes W. Francis, *A. B. M. D. & Mat. M.*  
     *Pr. in Coll. Med. & Chir. Neo-Eb.*  
 Jacobus N. Gifford, *A. B.*  
 Henricus Green, *A. B.*  
 Joannes Hamilton, *A. B.*  
 David M. Hoffman, *A. B.*



Samuel Jackson, *A. B.*  
 \*Jackson Kemper, *A. B.*  
 Henricus M'Vickar, *A. B.*  
 \*Benjaminus Onderdonk, *A. B.*  
 Gualterus F. Osgood, *A. B.*  
 Robertus Renwick, *A. B.*  
 Jacobus Stryker, *A. B.*  
 Gulielmus Turnbull, *A. B.*  
 \*Gulielmus Wyatt, *A. B.*

1810.

Robertus Morrell, *M. D.*  
 Samuel W. Moore, *M. D.*  
 Henricus U. Onderkonk, *M. D.*  
 †Henricus S. Dodge, *A. M.*  
 \*Abrahamus Purdy, *A. M.*  
 †Jacobus Renwick, *A. M.*  
 Theodorus V. W. Varick, *A. M.*  
 Joannes Agnew, *A. B.*  
 Andreas Anderson, *A. B. M. D. Coll. Med. &*  
*Chir. Neo-Ebor.*  
 Franciscus Child, *A. B.*  
 David Clarkson, *A. B.*  
 Georgius Codwise, *A. B.*  
 Gulielmus Depeyster, *A. B.*  
 Israel Dissosway, *A. B.*  
 Jacobus Dyckman, *A. B. M. D. Coll. Med. &*  
*Chir. Neo-Ebor.*  
 Robertus Emmet, *A. B.*  
 Theodosius Fowler, *A. B.*

Jacobus C. Garrison, *A. B.*

Josephus Greenleaf, *A. B.*

Petrus F. Hunn, *A. B.*

Carolus Kip, *A. B.*

Horatius Lewis, *A. B.*

Joannes M'Donald, *A. B.*

Joannes M'Gregor, *A. B.*

Benjaminus Moore, *A. B.*

Joannes Morton, *A. B.*

Georgius Morton, *A. B.*

Ava Neal, *A. B.*

Waldron Post, *A. B.*

Joannes Slidell, *A. B.*

Ricardus Stevens, *A. B.*

Franciscus Stevens, *A. B.*

Jacobus Stoughton, *A. B.*

Pascal N. Strong, *A. B.*

Carolus Watts, *A. B.*

## 1811.

\**Rev.* Joannes Croes, *S. T. D.*

\*—— Jacobus Hall, *Edin. S. T. D.*

\*—— Gulielmus Harris, *S. T. D. Harv. ad eundem.*

\*—— Isaacus Wilkins, *S. T. D.*

Henricus M. Francis, *A. M.*

Robertus M'Cartee, *A. M.*

\*Gregorius Bedell, *A. B.*

\*Joannes Brown, *A. B.*

Joannes Campbell, *A. B.*



Ebenezer Close, *A. B.*  
 Joannes Covert, *A. B.*  
 Georgius Douglass, *A. B.*  
 Jacobus Dyckman, *A. B.*  
 Carolus Ferris, *A. B.*  
 David Fraser, *A. B.*  
 Ricardus Freake, *A. B.*  
 Jacobus Girard, *A. B.*  
 Benjaminus Haight, *A. B.*  
 Gulielmus H. Harison, *A. B.*  
 \*Gulielmus Hart, *A. B.*  
 Gulielmus Hogan, *A. B.*  
 Petrus V. B. Livingston, *A. B.*  
 Thomas Ludlow, *A. B.*  
 Jackson Odell, *A. B.*  
 Georgius Purdy, *A. B.*  
 Carolus Rapelje, *A. B.*  
 Joannes Rhineland, *A. B.*  
 Joannes Talman, *A. B.*  
 Georgius Watts, *A. B.*

## 1812.

\*Rev. Joannes Brady, *A. M.*  
 Joannes Cadle, *A. M.*  
 Joannes Fine, *A. M.*  
 Joannes W. Francis, *A. M. In Un. N. Eb. Mat.*  
*Med. Prof.*  
 Ravaud Kearney, *A. M.*  
 Gualterus F. Osgood, *A. M.*  
 Petrus D. Vroome, *A. M.*

Albertus Amerman, *A. B.*  
 Matthias Bruen, jun. *A. B.*  
 Joannes Burtis, *A. B.*  
 \*Gulielmus Creighton, *A. B.*  
 Jacobus Depeyster, *A. B.*  
 Alexander Duer, *A. B.*  
 Ricardus Duryee, jun. *A. B.*  
 Lindley Hoffman, *A. B.*  
 Ogden Hoffman, *A. B.*  
 Benjaminus Kissam, *A. B.*  
 Philippus Lawrence, *A. B.*  
 Augustinus N. Lawrence, *A. B.*  
 Cornelius F. Low, *A. B.*  
 Petrus Mackie, jun. *A. B.*  
 Edvardus M'Vickar, *A. B.*  
 Joannes W. B. Murray, *A. B.*  
 Matthæus C. Patterson, *A. B.*  
 Jacobus Robertson, *A. B.*  
 Joannes Smith Rogers, *A. B.*  
 Joannes A. Sidell, *A. B.*  
 Joannes Swartwout, *A. B.*  
 Petrus Townsend, *A. B.*  
 Egerton L. Winthrop, *A. B.*

1813.

\*Rev. Cornelius T. Demarest, *A. M.*  
 Cornelius R. Duffie, *A. M.*  
 Jacobus Dyckman, *M. D. A. M.*  
 Ava Neal, *A. M.*  
 Jacobus Stoughton, *A. M.*



Jacobus Stryker, *A. M.*  
 Henricus Anthon, *A. B.*  
 Gulielmus Bailey, *A. B.*  
 Joannes B. Beck, *A. B.*  
 Jacobus J. Bowden, *A. B.*  
 Gulielmus Boyd, *A. B.*  
 Georgius W. Bruen, *A. B.*  
 Ricardus F. Cadle, *A. B.*  
 Georgius L. Davies, *A. B.*  
 Robertus Hyslop, *A. B.*  
 Gulielmus Kemble, *A. B.*  
 Thomas C. Mitchell, *A. B.*  
 Nicolaus Morris, *A. B.*  
 Thomas C. Murray, *A. B.*  
 Nathaniel Greene Pendleton, *A. B.*  
 Alexander H. Robertson, *A. B.*  
 Hugo Smith, *A. B.*  
 Joannes Varick, *A. B.*

1814.

Joannes H. Ball, *A. B.*  
 Jacobus Brooks, *A. B.*  
 Cornelius Davies, *A. B.*  
 Gulielmus H. Heyer, *A. B.*  
 Benjaminus Hilton, *A. B.*  
 Allen Jackson, *A. B.*  
 Henricus R. Judah, *A. B.*  
 Jacobus M. Pendleton, *A. B.*  
 Theophilus Russel, *A. B.*

Georgius F. Talman, *A. B.*

Ferdinandus Vandewater, *A. B.*

N. B. Stella ornatos ecclesiarum Pastores esse, & Pugione armatos, aliquo munere civili usos. Multorum Honores Litt. hic proculdubio, necessario omitta sunt; sed Errata & omitta in sequenti Catalogo corrigentur.

Notetur etiam Nomina Laureatorum in Collegio restaurato ex ordine Literarum fuisse disposita.



George F. Johnson & Co.  
Washington, D.C.

My dear Sir,  
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter of the

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Curatoribus admodum generosis, viroque  
Reverendo GULIELMO HARRIS Academiae  
Columbianae Præsidi, hocce *De Neglectâ*  
*Poesi* carmen, dat, dicat, dedicat,  
Collegii alumnus devinctissimus,  
J. C. SLACK.

Aug. 7mo. 1821.

---

" — Quid tam miserum et tam solum vidimus ut non  
Deterius credas horrere pericula sævæ  
Urbis, et Augusto recitantem mense *Poetam* ?"

NUNC Aganippeâ cupiam perfundere lymphâ  
Pectus, et Aonidum dulces remeare recessus,  
Desuetum repetens, prope jam novus advena, lucum.  
Dic mihi, Musa, procul terram hanc toto orbe remotam,  
Quæ fera gens olim tenuit, securaque pacis  
Gaudia carpsit amænæ, et silvis degit apertis;  
Nec, nisi quas fruges tellus sine lege ferebat,  
Aut quod præbebant fidissima cornua, victum  
Optabant, puroque sitim de fonte levabant;  
Horum credideris subolem quemque esse gigantum,  
Tanti per saltus, tanti per devia tesqua,  
Saxa per et scopulos, umbrosaue lustra ferarum,  
Arcubus insignes, pharetrisque sonantibus ibant.

bro.



Venatu fessos tacitæ penetralia silvæ  
 Accipiunt; viridi pars prædam ponit in herbâ,  
 Festinantque dapes; tum prono credere rivo  
 Se juvat, et celeri vires reparare natatu.

Huc ideo, Europæ sortem miseratus iniquam,  
 Et fore diffuso temeratum sanguine mundum  
 Antevicens, rector novit qui cuncta, Columbo  
 Occiduum monstravit iter, sedesque quietas.  
 Gratia deinde feræ telluri inopina reluxit,  
 Paulatim in silvis consurgere tecta videres,  
 Quæque prius maculosæ habitabant avia lynces,  
 Nunc colit agricolis admistus vinitor uvæ:  
 Communes gazas, humilem novus hospes in urbem  
 Quisque superveniens, propriis augebat acervis,  
 Et magis atque magis surgebat in oppida tellus.

Nec sileam positus atque urbis mœnia nostræ,  
 Quam lavat hinc Nereus, Nereoque simillimus illinc  
 Ingens Mauritius tumidis prætervolat undis;  
 Vestit silva solum, cedrusque et fagus et ilex,  
 Fraxinus, atque abies, pinusque aptissima ponto.  
 Aspice et æquoreis fluvii quæ numina nymphis  
 Intermista natant, ubi fessâ nauta carinâ,  
 Naufragium vitans, pelagique pericla, quiescat.  
 Hinc fons divitiarum; hinc ridet splendida luxu  
 Urbs tota, innumeris et fervens classibus æquor  
 Huc transmittit opes, fluit huc gens omnis, et arctam  
 Pauperiem extremis fugiens mercator ab Indis,  
 Hic Babyloniacas sperat mox condere gazas.

I, nunc, confer opes, qui multum oblitus honesti  
 Retia divitiis, fugitivo retia nummo  
 Tendis, et, hoc quoniam digneris carmina probro,  
 Derides nugas et inania gaudia Musæ;  
 At non divitiis homines tu crede beatos;  
 Mens beat, et virtus; cui sunt virtutibus auctæ,  
 Huic bona, divitiæ; nummos odisse veneno  
 Pejus, sit monitus, qui recte nesciat uti.  
 Mens etenim ætherios et virtus indicat ortus,  
 Humanumque genus commendat origine Divum;  
 Mens docet ingentis quâ vi stat machina mundi,  
 Pandit et Oceani, Nymphis mirantibus, aulam  
 Marmoream, nec non canæ mysteria Vestæ,  
 Intuiturque polos, et in ardua sidera surgens  
 Protinus obtutum volat effugientibus alis.  
 Verum inter mentis dotes et munera, carmen,  
 Vatis opus, summæ poscit sibi præmia palmæ;  
 Quo nil Dii nobis dederant divinius unquam,  
 Nil magis antiqui deductum temporis annis.  
 Aflatæ quondam Pataræi numine Divi,  
 Phæbades arcanas finxerunt carmine sortes:  
 Tunc etiam, numeros, et carmina mista choreis  
 Audisses, Salii quoties longo ordine pompam  
 Solennem duxere novæ per compita Romæ:  
 Quis nescit blando cohibentem flumina plectro  
 Orphea, cantatasque suis de montibus ornos?  
 Sive quod, audito per mutam carmine noctem,  
 Visa reluctantes deflectere Luna dracones?  
 Denique flammiferis mortalia pectora telis  
 Qui figit, deus ipse, nihil nisi carmina curat

IANI

bro.



Magnus Amor, tantis cumulatur Musa triumphis.  
 Musa iter immortale ~~viam~~que ad sidera monstrat,  
 Quàque Deam confessa venit, similisque volanti  
 Vix pede tangit humum, solito jucundior aer  
 Spirat, et in suaves abeunt vestigia flores;  
 Musa per Elysium volitare, atque atria Divôm,  
 Atria luminibus numquam lustrata profanis,  
 Audet, et immensi superat confinia mundi.  
 Nescio quâ vates lætus dulcedine visit,  
 Mentis opus, fictas florum incunabula ripas,  
 Dumque morantur ibi peramænæ in littore sedes,  
 Mulceri sentit gratâ formidine mentem,  
 Audit et aerias circum increbrescere voces;  
 Tum visæ facies; tum plurima ludit imago  
 Ante oculos, redeuntque umbræ, fugiuntque vicissim:  
 Qualis, Hyperboreus cœli quâ panditur orbis,  
 Cum polus albescit, flammisque sequacibus æther  
 Collucet, variasque trahunt simulacra figuras  
 Per noctem, cœlumque aurato tramite signant;  
 Attonitus longum stat hianti rusticus ore,  
 Credit et armatas acies concurrere, et ignes  
 Ire giganteos toto miratur Olympo.

Tanta tamen cum sit divini gratia Phœbi,  
 Tantus honor, non hæc arrident tempora Musis:  
 Quid præter pretium jam dulce? quis optat odoræ  
 Serta suo laurus capiti? quis carmina vatum,  
 Floresque indigenas in longos vindicat annos?  
 Posthabitis annon propriis magis extera quærit  
 Hæc gens, et quodcunque alienis nascitur arvis

Exoptans, aliâ decerpit ab arbore fructus?  
 At quorum placidi brevis indulgentia cœli  
 Et non longa dies maturavisset honores,  
 Ingratâ semper pallere videmus in umbrâ.  
 Vel Jove quid dignas refert de pectore voces  
 Promere? quid prodest miranda potentia Musæ?  
 Carmen enim nobis (nec dono tangimur illo)  
 Sordet, et argutæ rarissima gratia turbæ  
 Spreta jacet, namque huc, Erebi Noctisque propago,  
 Turpis Avarities Stygiis caput extulit antris;  
 Monstrum horrendum, informe, ingens, cui lyncea centum  
 Per cunctas errant late vaga lumina terras;  
 Perpetuo insomnis, qualis vigilasse fidelis  
 Fertur Arestorides; quamvis non nescius ille  
 Usque fuit somni, medicataque lumina plectro  
 Arcadio, tandem placidam admisere quietem;  
 At nec Avaritiæ lassos infusa per artus  
 Blanda quies unquam victis irrepit ocellis,  
 Ne rapta argenti ne pondera lugeat auri,  
 Perdat et immensos labor intermissus acervos.  
 Illa ante ora hominum per noctem ludere visa  
 In somnis, variasque dolo simulare figuras;  
 Nunc Saba quâ dulces redolens exhalat odores,  
 Cinnama, dives Arabs, et thura et balsama cogit,  
 Nunc gemmas et ebur, veluti mercator Eous,  
 Colligit, inficiensque genas pallore cuminum,  
 Et quod opum longis glomeraverat India seclis,  
 Perque locos lætos, et nescia vomeris arva,  
 Flumina visa auro fulgentes volvere arenas.  
 Illi arcana patent orbis, docet illa nefandum

IANI

bro.



Ire viam ad lucrum, docet illa fugacibus orbem  
 Visuros totum ponto insultare carinis.  
 Quæ simul huc venit, falsosque induta colores  
 Mentibus illusit, refluxum mare findere remis  
 Omnibus ardor erat; mora nulla, per æquora classes  
 Expediunt, terræque prius carissima linquunt  
 Littora, nil horum patriæque focique larisque  
 Pectora tangit amor, desideriumque parentum.  
 Sentit inassueto tremefactum murmure pontum  
 Volvier, et vitreis irata emergit ab antris  
 Doris, at hæc per aquas dum circum labitur alnos,  
 Et mirata novas quærit cognoscere formas,  
 Protinus ex animo furor omnis decedit, illis  
 Dat veniam, credensque Deas, per devia pandit  
 Regna viam, ventisque implevit vela secundis.  
 Ah! ne te, demens, ne te malus error amantem  
 Ludat, fallaci ne decipiare figurâ;  
 His mentem in Musas stimulant contrarius ardor,  
 Invictusque furor, longique injuria belli,  
 Iraque, et in foedus nunquam coitura simultas;  
 Et tibi cognatas, et eâdem ab origine Musas  
 Nescis? quin revoca Zephyros, super æquora moles  
 Persequere infandas, et toto dejice ponto.

Haud fieri per fata licet; nec Diva nefandas  
 Persequitur, toto neque dejicit æquore moles.  
 Hinc amor est nobis, alio sub sidere regna  
 Quærere divitiora, hoc manat fonte venenum;  
 Hinc nos divitibus contingere gaudia solis  
 Credimus, Aonios et dedignamur honores.

Haud ita semper erat; mundi melioribus annis  
 Musa in honore fuit, nec fulgens purpura regum  
 Ingenio spreuit meritas concedere laudes.  
 Nam neque regali solitus Phæacis in aula  
 Demodocus surdas demittere carmen in aures,  
 Seu vinctum Martem, plaususque et læta Deorum  
 Murmura, seu potius plectro majore referret  
 Instar montis equi, lethalia dona, latebras;  
 Nec flores periere, olim quibus atria regum  
 Sparsit Echioneus vates, cui prospera magnas  
 Musa dedit vires et inevitable telum;  
 Sed fama annorum lapsus, longumque fefellit  
 Tempus, et in seros crevit veneranda nepotes.

IANI

At tu, Diva, inter resonantis festa catervæ  
 Castaliis crinem gaudes quæ spargere lymphis,  
 Si fueris despecta, tui si numinis ullum  
 Ceperit hanc odium aut insana oblivio gentem,  
 Jam, precor, ex animo cadat iracundia vestro,  
 Desine nos iras, veteresque benigna furores  
 Amplius incusare, moras jam desine longas  
 Nectere, et huc oculis da te mitissima nostris;  
 His bona fata locis; hic largos Jupiter imbres  
 Fundit, et effusis late beat arva canistris  
 Flava Ceres; hic purpureus, ridente serenum  
 Aethere, Liber adest, et pleno Copia cornu;  
 Nec magis opportuna optarent devia Fauni,  
 Quà possent oculos pedibus fallentibus udam  
 Tundere humum, saltusque suis celebrare choreis;  
 Et cedunt nobis antiquæ florea Tempe

ebro.

i.



Hæmoniaë, cedunt laudati culmina Pindi ;  
 Nam domus est, (nec enim vestri sit, Mater, alumnus  
 Immemor) est sedes, ubi Phœbus ponere gressus  
 Gaudeat, Aoniis aptissima limina Nymphis ;  
 Haud desunt, quibus est divinæ cura Minervæ,  
 Queis hederæ laurusque placent, queis hic labor omnis,  
 Quos sola hæc dulcedo subit, melioribus urbem  
 Artibus instaurare, et eundi accendere amore  
 Quo vigor ingenii deducit, et inclyta virtus,  
 Famaque et imbutum "generoso pectus honesto."  
 Diva, precor venias, huc te placidissima nobis  
 Offer in aspectum turbâ comitata sororum ;  
 Tum nemus, insolitoque virescent florea cultu  
 Rura Heliconiadum ; Parnassia silva choreis  
 Incipiet resonare novis, hederæque corymbis  
 Florentes surgent nobis, tutelaque vatum  
 Baccar, et ad cœlum ramis felicibus ibit  
 Laurus et æternos servabit frondis honores,  
 Et rapidis, tellurem oblita, Columbia pennis  
 Surget in alta volans, meritoque assistet Olympo.

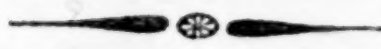
P O E M A

IN COMITIIS COLLEGII COLUMBIANI

EDMUNDO D. GRIFFIN

PRONUNTIATUM,

NONIS AUG. MDCCCXXIII.



*“ De summâ coeli regione.”*

Non ego delicias jucundas ruris amœni  
Arva sua et segetes, virides et gramine campos,  
Cœli templa cano, stellarum amplissima tecta.  
Non cantu arma virumque, sed astra diemque celebros.

Advenit alma dies, en! Lucifer ortus ab alto  
Indicat instantem solem, suffusa rubore  
Nox fugit, et splendent rubicundo lumine montes.  
Æratae cœli portæ panduntur Eoi,  
Sol transit, lucisque parens, rex atque diei,  
Incomitatus iter deserta per aera tendens.  
Ros humectat agros fulgens gratissimus herbis,  
Tranquilloque lacu radiorum tela resultant,  
Et suaves spirat renovatum gramen odores.  
O frugum alme parens, O clari luminis auctor,  
Nox æterna, tuo subducto numine, cœli  
Et telluris opes tenebris involveret atris.



Illico, restincto fruges ardore fovente,  
 Floret nil; homini non præbet pabula terra,  
 Nec frugem Segetes, herbas neque prata ministrant,  
 Sylvaque marcescit densis viduata capillis.  
 Ver nullum nitidis decorat nunc floribus agros,  
 Nulla æstiva dies auget nunc frugibus arva,  
 Autumnus nullus sectis succedit aristis,  
 Annorum innumeros per lapsûs, horrida cano  
 Bruma gelu terras niveo velamine vestit.  
 Iino etiam, sol clare, tuo tutamine amico  
 Submoto, cursu turbatus maximus orbis  
 Deorsum decideret præceps per tempora longa,  
 Iret iter declive inter flammantia signa,  
 Prorsum festinans per vastos aeris agros,  
 Donec demum alium majorem allisus ad orbem  
 Dissultaret, et impleret coelum omne fragore.  
 Exitii talis præcordia concutit horror,  
 Cum coelum invadit stridentibus horrida nimbis  
 Tempestas, terramque operit caligine coecâ.  
 Mox longe resonant motura tonitrua mentes  
 Humanas, sylvæ trepidant, se solvit in undas  
 Æther, et obscuris nimbi nimbis cumulati  
 Ingeminant tenebras; heu! quænam illa flamma trisulca!  
 Est fulgur; rutilat, tenebras ostendit, et exit;  
 Heu! unde ille fragor sævus quasi terræ ululatus!  
 Fulminat; et festinam intentant omnia mortem.  
 Terra tremit, petit oceanus fontes citus imas;  
 Quid mirum si homines etiam timeantque tremantque?  
 Jamque metus pellens pronus sol nubila vincit,  
 Ac tristi coelo propere discedere mandat;  
 Continuo parentia rumpuntur fugiuntque.  
 Eoo pluvius coelo describitur arcus  
 Solis inardescens radiis, insignis honestâ  
 Formâ, et coelesti varius splendore colorum;  
 Paullisper fulget, tunc evanescit in auras.

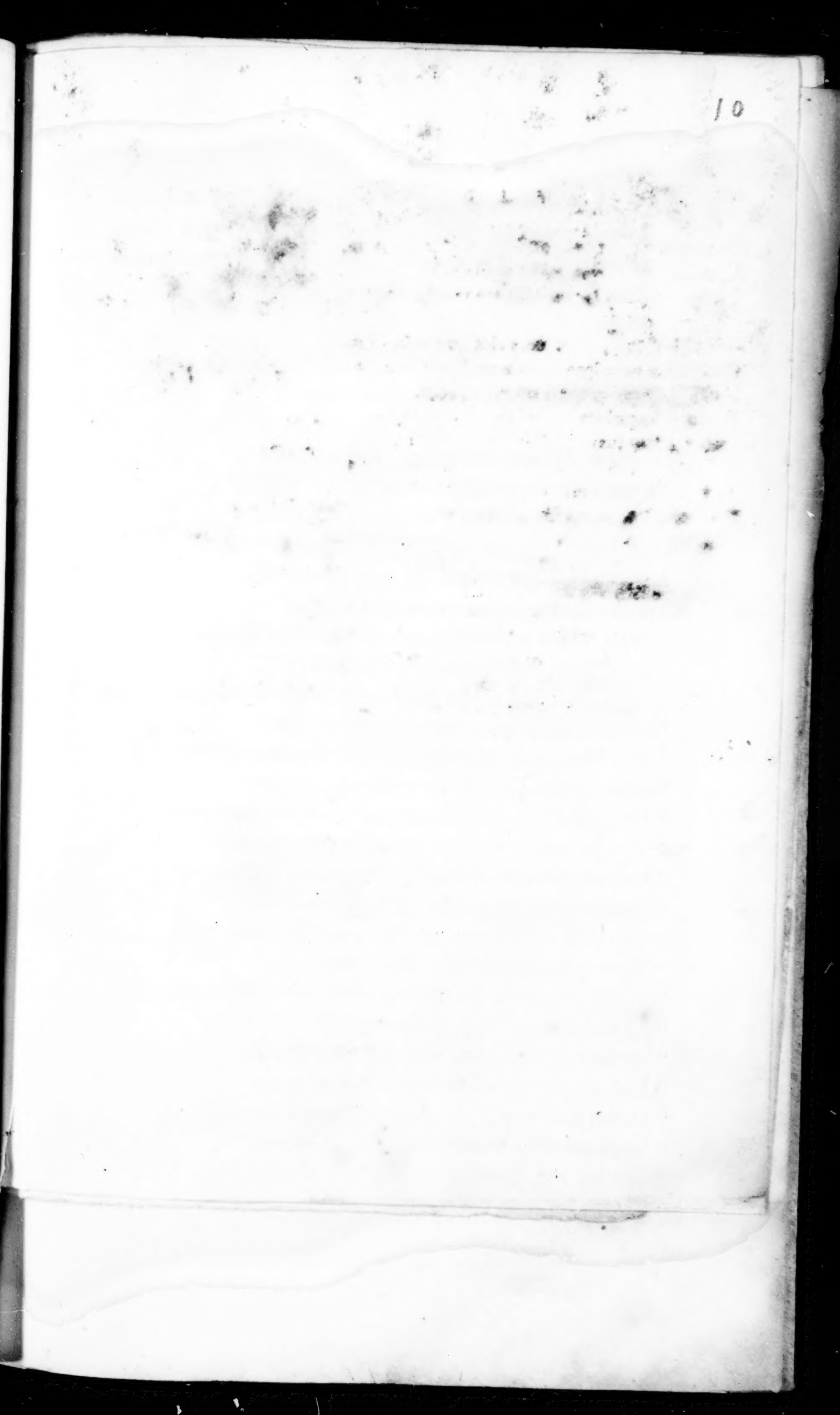
Interea sol occiduas festinat in undas,  
 Nox ruit, et nigrante æther prætexit amictu,  
 Paullatimque atris coelis astra ignea surgunt.  
 En pleno orbe micat moderatrix Cynthia noctis!

Jamque chorus Dryadum penetralla linquit opaca,  
 Et choreas ducit, gaudens spectante Dianâ;  
 Nâiadumque cohors secretas deserit aulas,  
 Atque hilaris lavat argento fulgentibus undis;  
 Nymphæ monticolæ cœcis obscura latebris  
 Destituunt tecta, et speculantur culmine ab alto  
 Lustrantes sylvas, fluvios, collemque, lacumque,  
 Clare splendentes tremulo sub lumine Lunæ.  
 Interea innumeris coelum distinguitur astris.  
 Hic circa solem ducentia sidera gyros  
 Palantur, noctis luces, terræque sorores.  
 O juvat, astra micantia, quæ sitis meditari;  
 Sive domus heroum quando membra reliquit  
 Spiritus, aut mundi ornati sylvisque, jugisque,  
 Vallibus, et fluviis, varii terrâ oceanoque,  
 Sive genus vestras purum sceleris regiones  
 Cui nihil optandum teneat, seu mole gravatum  
 Culpæ aliud genus humanum trahit anxia vitæ  
 Tempora ibi, angusta, et variis exposita periclis.  
 Heu! quænam illa facem ducens crinitaque stella!  
 Est lugubre cometa rubens et pectora turbans.  
 Sitne locus poenæ, Ditisque inamabile regnum,  
 Ignis ubi nunquam torrens ardescere cessat?  
 Seu jussus Dæmon vagus errare æthere in alto,  
 Nunc propiore ardens, frigans nunc sole remoto?  
 Seu tantum exitii vates, qui numinis iras  
 Summi significat, terrisque extrema minatur?  
 Ast pauca absolvunt solennes sidera cursus  
 Circa solem, alii stabiles sunt æthere fixi  
 Flammantes orbes, propriâ qui luce refulgent.  
 Illic Plëiades rutilant, et aquosus Orion,  
 Hic nautas tutans altâ speculatur ab arce  
 Arctos, et hic claros via lactea pandit honores.  
 Dicite, vos vigiles coeli, noctisque silentis  
 Custodes, illæ sedes sitisne beatæ,  
 Quas Zephyri Oceani mulcent clementibus auris,  
 Atque ubi perpetuo viridissima gramine ripa,  
 Et sylvæ, atque rubi flavescent floribus aureis?  
 An facti sitis solum lucem dare nocti,  
 Coelum ornare, oculosque hominum oblectare nitore?



Nequaquam; vix, vix oculos intendere possum,  
 Ut videam propiores, millia millia soles  
 Ultra, aliis terris lucem dant atque calorem.

Ex his discat homo quam sint terrestria vana.  
 Orbis enim suus ipse est tantum lucida gemma,  
 Numinis æterni coelesti inserta coronæ.  
 Discat et imperium summi regis venerari,  
 Qui mundum jussit fieri ex sine ordine mole,  
 Quo dicente, esto lux, lux fait, atraque noctis  
 Qui stellis aulæa ornavit, quique residens  
 Sublimi solio, supra illa micantia signa,  
 Hinc terras regit, impulsusque per omnia fundens  
 Innumeros docet assuetos percurrere gyros  
 Orbes, et casu atque errore tuetur ab omni.  
 Vos, elati animi, vanâ ambitione tumentes,  
 Vos qui sceptrâ hominum turbantia corda tenetis,  
 Vos foecundæ terræ, vos etiam æquora lata,  
 Vosque orbes rutili splendentes æthere puro,  
 O tremite, aspicientes præsentem Omnipotentem;  
 Qui fecit verbo, valet et subvertere verbo.





*Hoc, in Renovatam Academicæ speciem, quantulumcunque  
poema, gratae prope innumerorum in se officiorum (illius  
etiam nuperrimi) memoriae testimonium, Reverendo admo-  
dum Præsidi GULIELMO HARRIS inscribere atque offerre  
audet,*

*Alumnus, Eidem Devinctissimus*

J. C. SLACK.

---

O domus, O sacro renovatae culmine turres,  
Fanaque Pieræo semper amata Deo!  
Qua juvat, aut, dulces Musæ ducente recessus  
Dum lustris, teneris nectere verba modis;  
Aut, Sophiæ rapiens pedes, celeri ire volatu,  
Visere et immensi lumina mente Poli;  
Accipe, chara parens, (neque dedigneris alumnus,)  
Grata, tamen meritis dona minora tuis:  
Accipe, sed facilis, tibi quæ munuscula gaudet  
Calliope, laudi ferre ministra tuæ.  
Fallor? an inspirans animo præsentia, vates  
Incipit egregio Cynthius ore loqui?  
“Hic, mihi quæ sylvis Academia cincta resurgit,  
“Quaque recens præbent templa novata decus;  
“Has inter sanctas sedes, his blanda sub umbris  
“Sumite, laurigeræ, plectra fidesque, Deæ.  
“Jam satis Italiæ veneres, facilesque Camænæ,  
“Mænala jamque satis nobilitata vigent:  
“Poscit, io, tandem propriasque Columbia Musas,  
“Et loca Castalio non aliena choro;  
“Quæque olim Graias, exul formosa reliquit,  
“En! petit occiduas diva canora domos;  
“Delius ipse venit, magnus venit hospes Apollo,  
“Sacraque nunc omnis numina lucus habet;  
“Cedite, vos, Tempe, fabulosaque culmina Pindi,  
“Clarior hoc toto nullus in orbe locus.”

---

*English Versification.*

Hail sacred temple! hail new-crown'd abode,  
Fit shrine of bright Pieria's honour'd God!  
Where, smit with love of song, 'tis sweet to stray,  
And rudely carol the incondite lay:  
Or in my deep transported mind to fly  
On viewless wing, above the starry sky;  
Accept the tribute of a grateful heart,

Canope, laudæ terre ministra tuæ.

Fallor? an inspirans animo præsagia, vates

Incipit egregio Cynthus ore loqui?

“ Hic, mihi quæ sylvis Academia cincta resurgit,

“ Quaque recens præbent templa novata decus;

“ Has inter sanctas sedes, his blanda sub umbris

“ Sumite, laurigeræ, plectra fidesque, Deæ.

“ Jam satis Italiæ veneres, facilesque Camænæ,

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Where, smit with love of song, 'tis sweet to stray,

And rudely carol the incondite lay :

Or in my deep transported mind to fly

On viewless wing, above the starry sky;

Accept the tribute of a grateful heart,

Nor bid unblest the humble Muse depart.

Does Fancy reign? or do I hear around,

God of the breathed spell, a strange and solemn sound?

“ Here, where again my temple rears its head,

“ Where groves in pomp their waving honours spread;

“ Amid these shades, in full harmonious choir,

“ Once more, ye laurell'd Sisters, wake the living lyre;

“ Let Pan no longer rove his Mænalus o'er,

“ And Latium boast her swanlike bards no more :

“ No more averse to yon bright virgin band,

“ Columbia, now thy native Muse demand :

“ See, where, self-banish'd from th' Arcadian plain,

“ Fair fugitive, she seeks thy western reign :

“ Great Phœbus' self appears, auspicious guest,

“ In all thy trembling groves a God confess'd.

“ Here rest, ye Muses, ne'er to rove again ;

“ For sweeter far is Freedom's loved domain,

“ Than Pindus' fabled heights, and Tempe's verdent plain.”



11 12

ON  
**ANTICIPATION.**

---

WHEN, fired with youthful ardour, first we climb  
The towering hill, whose summit rears sublime  
The Muses' sacred seat, how swell the breast  
With anxious fears, that will not be suppress'd;  
With what alternate sway now black despair,  
Now dreams of hope the soul's brief empire share,  
While yet uncertain, if the Muse may crown  
Our labours with success, or blast them with her frown.  
Such painful thoughts your youthful poet try,  
As o'er this bright assemblage roves his eye;  
Such agonizing doubts his bosom seize,  
Lest what he trembling offers fail to please.  
While o'er the many-colour'd scenes we glance,  
Which life presents through all its wide expanse,  
How few we find, that with their lot content,  
Receive with grateful hearts what heaven has sent;  
How few we find, each soaring thought repress'd,  
Who ask no higher state than tranquil rest;  
Whose thoughts confined to present bliss or woe,  
Ne'er seek the hidden book of fate to know.

DI

D.

EDITA

IA,

IS

FIN.

Since man first left the path which once he trod,  
 And lost the guidance of his sire and God;  
 Since by the wiles of hell in evil hour  
 He fled, amerced of Eden's blissful bower;  
 Lost is the former vigour of his mind,  
 And passions dark his erring judgment blind.  
 But as an ancient tower, whose ruins gray,  
 Whose broken shafts and arches still display  
 Its former grandeur to the wondering eye,  
 And tell the tale of ages long gone by;  
 So 'mid the wanderings of the soul still shine  
 Proofs of a higher state, and birth divine.  
 The human mind, on restless pinions borne,  
 Flies, like the fiery coursers of the morn,  
 From scene to scene, and round the beauteous world,  
 Which its own magic frames in rapid flight is hurl'd;  
 Next the fair forms of nature's works surveys,  
 Or on her wilder scenes delights to gaze.  
 This lower world, exhausted in its flight,  
 It soars to regions of eternal light,  
 Or, deep descending, views the gulf of hell,  
 In penal fire, where rebel angels dwell,  
 Or tries to scan, with bright prophetic eye,  
 The hidden depths of dark futurity.  
 Hail, wondrous Power, whose influence cheers the breast  
 When by the stormy waves of fortune prest;  
 Whose soothing aid expells corroding care,  
 And arms the wavering soul against despair;  
 Without thy presence life is but a void,  
 A passing vision,—or but half enjoy'd:



For still the pensive mind delights to roam  
O'er future scenes, and anxious for its doom,  
Oft sadly muses on events to come. }  
Thy influence bids the poet's bosom swell  
With glowing rapture, which no grief can quell;  
While in his conscious mind he hears arise  
A thousand plaudits to the listening skies,  
To swell his growing fame in other times,  
'Mid various nations, and in distant climes.  
Fired by this hope, immortal SHAKESPEARE pour'd  
His native warblings, and adventurous soar'd  
Above each tragic bard; with daring wing  
So rides sublime in air the feather'd king;  
Fired by this hope, beyond the bounds of time,  
On seraph pinions MILTON rode sublime,  
Sang in no middle strains the fall of man,  
And dared the sacred vault of heaven to scan.  
But let the Muse not range to other lands,  
A dearer theme her mead of praise demands;  
Her harp should high resound a nobler song,  
And pour upon its strings far other notes along.  
There is a land, where health and beauty smile,  
Where blue-eyed Freedom cheers the labourer's toil,  
Where smiling Plenty leads her festive train,  
And Ceres sheds her blessings o'er the plain;  
Where Persecution's power is never felt,  
Nor by her envious hand the death-blow dealt;  
But pure Religion leads the willing soul,  
And rules its empire with a soft controul;

DI

A. D.

EDITA

IA,

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FIN.

Explains the truths divine to mortals given,  
 And to the sinner points the way to heaven.  
 Where is that land? that spot of earth divine?  
 Each patriot's heart returns, That land is mine;  
 And still Columbia's sons, where'er they roam,  
 Turn like the magnet to that heaven, their home.  
 Hail, awful Genius of my native clime,  
 Who 'midst her lofty mountains rear'st sublime  
 Thy misty throne; the daring poet aid,  
 And all the scenes of future times display'd;  
 The coming honours of thy land reveal,  
 And bright display what shadows now conceal.  
 My prayer is heard; before my "aching sight"  
 Roll, like the fleeting phantoms of the night,  
 Forms dimly seen, as when the mystic glass  
 Of Banquo bade the scepter'd shadows pass.  
 See yonder bard, with more than mortal fire,  
 Draw forth the hidden sweetness of the lyre;  
 Strike its resounding chords with daring hand,  
 And all the varied notes of harmony command:  
 Around his brows bright wreaths of laurel twine,  
 Wove by the fingers of the immortal nine.  
 To him the bright heroic Muse shall give,  
 In deathless strains to bid his glory live,  
 And fix his seat amid the glittering bands  
 That shine where Fame's exalted temple stands.  
 But see yon tragic bard who now appears,  
 The sacred keys of sympathy he bears;



His magic strains now strike the breast with awe, }  
 While horror to the trembling soul gives law, }  
 And now fictitious woes the tear of pity draw. }  
 Behold a new Othello's troubled breast  
 With dark and fierce conflicting passions press'd;  
 See love restrain the long suspending blow,  
 And jealous fury lay its victim low.  
 See dark Macbeth new schemes of empire frame,  
 And hags perform "the deed without a name;"  
 See pious Duncan fall by traitor's hand,  
 And bloody treason rule an injured land,  
 Till angry justice, to its rightful lord,  
 Gave back the rod of empire, and the sword.  
 But now I see before my ravished eyes,  
 More splendid forms in long succession rise;  
 The varied train now bursts upon the sight,  
 While round them beam bright rays of golden light.  
 Behold yon band, whose proud and martial pace  
 Declare them born the scenes of war to grace;  
 Their eagle eye and lion port proclaim  
 Intrepid souls, and deeds of warlike fame;  
 Each ready for his country's cause to die,  
 And rush to fame for beauteous liberty.  
 But not alone by deeds of high emprise  
 In war's dread fields Columbia's fame shall rise;  
 In milder scenes, where learning loves to dwell,  
 And fair-eyed Science her sequestered cell  
 Delights to fix, far from the rude alarms  
 Of battled fields, and ever-clanging arms;

DI

D.

EDITA

IA,

IS

FIN.

Her manly sons, ambitious of renown,  
 Shall gain the laurel-wreath, and never-fading crown,  
 But shall the Muse in silence pass their names,  
 Whom for his genuine sons bright Phœbus claims?  
 And who the Indian chieftain's deeds of might  
 Rescued from dark Oblivion's envious night,  
 And pour'd on times long past a beam of sacred light?  
 No; though one youthful bard unconscious sleep,  
 And for his early doom Columbia weep;  
 Though genius see another victim fall,  
 Obedient to th' insatiate archer's call,  
 His fame shall live; and hope shall fondly say  
 What skill matured had done, and what a ripper day.  
 But may the fame of these twin bards excite  
 Our native minstrels to an equal flight;  
 Inspire the hope that, by the Muse's power,  
 They may enjoy rapt Fancy's blissful hour,  
 And cull the fruit of every magic tree  
 That blooms in thy domain, sweet Poesy.  
 Survey our country, for the Muses' seat  
 Design'd; where Nature, in the deep retreat  
 Of unpruned forests, rears her awful throne,  
 Far from the haunts of men in wilds unknown.  
 Behold our lakes, our deep impetuous floods,  
 The rivals of the sea; our mighty woods,  
 The growth of ages; mountains, which on high  
 Cast their dark forms, in dread sublimity,  
 And on whose shaggy summit waves the pine,  
 And never-trodden snows and tottering glaciers shine.



See where our rivers, stopp'd in full career,  
 O'erleap their bounds; the waves are far and near  
 Dash'd into spray, and down the precipice  
 The foaming waters rush, where yawns the dread abyss.  
 Or if in milder scenes delight be found,  
 Our shady groves, our hills with verdure crown'd,  
 Our placid streams, that wind their gentle way  
 In long meanders, and still seek to stay  
 Amid their flowery banks, invite the power  
 Of Fancy's minstrel in his happiest hour.  
 From scenes like these have former poets caught  
 Their inspirations, and from these is wrought  
 Their magic web; which now the wildest form  
 Of Nature shows, the earthquake or the storm;  
 Or now displays her in her gentlest charms,  
 Joyous and mild, reclined in Beauty's arms.  
 Shall we whose country thus distinguished shines,  
 Where bounteous Nature spreads exhaustless mines  
 Of poesy, neglect them? No; we spurn  
 The ignoble thought; our bosoms yet shall burn  
 With true poetic fire: the God of song,  
 Entranced, shall hear his praises pour along.  
 Soon may that thrice auspicious hour arrive,  
 When o'er our land the arts of peace shall thrive  
 In full perfection; where our sons shall join  
 Learning to valour, and in one entwine  
 The blooming wreaths of war and poesy divine.

WILLIAM INGLIS.

19th June, 1821.

DI

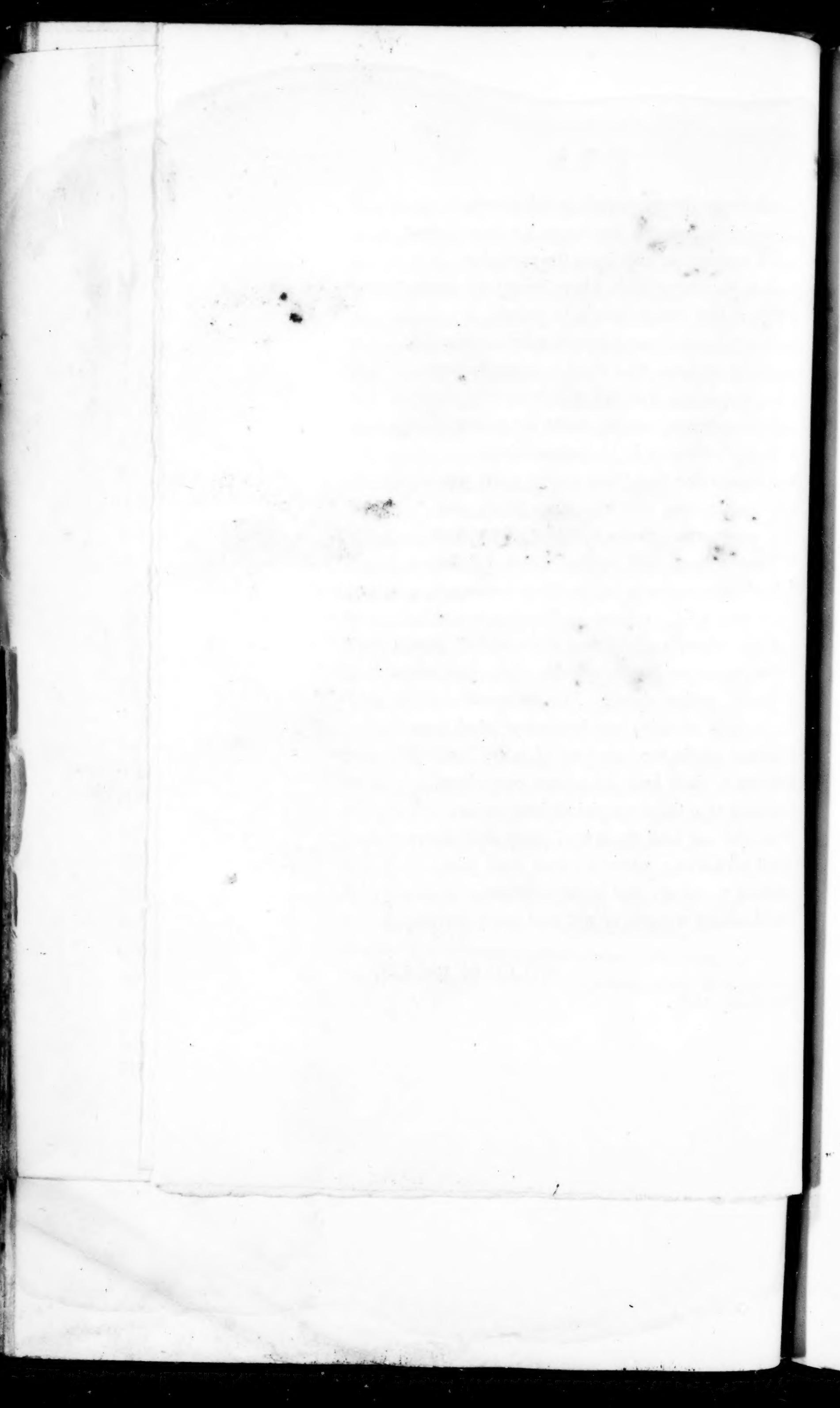
D. D.

EDITA

IA,

JS

FIN.





REVERENDO VIRO  
AC COLLEGII STUDIOSISSIMO COMMODI  
**GULIELMO HARRIS, D. D.**  
ACADEMIÆ COLUMBIANÆ PRÆSIDI  
HÆC PARVULA POEMATA  
EJUS SUB AUSPICIIS TUM SCRIPTA TUM EDITA  
OMNI STUDIO, CULTU, AC REVERENTIA,  
DAT DICAT DEDICAT  
EX ILLIUS DISCIPULIS DEVINCTISSIMUS  
**EDMUNDUS D. GRIFFIN.**

" Vile solum Sparte est; altæ cecidere Mycenæ;

" Oïpodionæ quid sunt nisi fabula Thebæ?

" Quid Pandionæ restant nisi nomen Athenæ?"

Ovid Met. xv. 428.

Lugubre excidium contemplati populorum  
Doctrinam ingenuas artes Musasque colentum,  
Solvimur in fletus, sed Græcia poscit amaros.  
Græcia heu misera ante omnes! spoliata celebri  
Nomine cantato terras gentesque per omnes!  
Quæ regio quâ terra patet prosperrima quondam,  
Græcia nunc domino paret, contemptaque sedes  
Servorum est, qui complexu fera vincula cingunt.  
Musarum comites, afflāti numine vates,  
Temporibus priscis, tacti natalis amore  
Terræ, blandiloquo celebrarunt carmine nomen,  
Carmen ubicunque et Parnassia numina amantur.  
Pictores olim tabulis naturam imitarunt,  
Sculptores etiam donarunt marmora vita,  
Philosophique animos juvenum instruxere verendis  
Præceptis sapientiæ, et ad virtutem animarunt.  
Nec minus heroes factis meruere coronam,  
Thermopylæ, vos obtestor, Salamis, Marathonque.  
Campi graminei, sylvæque, atræque cavernæ,  
Libertatis erant sedes, famæve sepulchra.  
Præcipiti cursu, pugna, duraque palæstra,  
Luctati juvenes in pinguibus Elidis arvis.  
Hic quoque convenere adducti laudis amore  
Egregii vates, atque ingenii retulerunt  
Palmam, etiam regibus quæ sceptro carior aureo.  
Græcia erat talis, sed gloria fugit inanis.  
Argutus cithararum cantus vallibus imis  
Non resonat, sed servorum voces gemitusque.  
Threicii vatis, pendet neglecta salicto



Umbroso, lyra quæ sonitum non amplius edit,  
 Brumalis nisi quum vocem evocat Æolus ægram.  
 Posteritas hominum quorum inclyta facta celebrat  
 Divinos nescit numeros sublimis Homeri.  
 Parnassum, Phœbo Musisque sacrum, lupus implet  
 Terrifico questu, siccata est Castalis unda,  
 Tempe in umbrosis neque Musæ, nec citharista  
 Pythius ipse habitat, sylvarum in dulcibus umbris.  
 Musarum comites crebris pedibus neque saltant  
 Gramineam in glebam, dum suadet fistula blanda,  
 Cantus nec citharæ resonat frondes per opacas,  
 Vox neque cantatorum ascendit suavis ad auras.  
 Campus Olympiacus, factorum ingentium arena  
 Quondam, pabula nunc præbet pecori petulanti;  
 Atque ubi contendere heroes, agna tenella  
 Lætitia exultans deserto in gramine ludit,  
 Servitii dæmon, Erebo nigrisque tenebris  
 Ortus, rura regit sceptro duro atque cruento,  
 Quæ Libertati quondam sacrata, Deisque.  
 Thermopylas sacras famæ Lacedæmoniorum  
 Heroum, vultu fœdo pedibusque profanat;  
 Per Marathona sonat trux anguineumque flagellum.  
 Gloria Græcorum, tua fama effugit, Athenæ.  
 Doctrinæ sedes resonantes vocibus olim  
 Doctorum, nunc sunt decoris monumenta ruinæ.  
 Doctus Aristoteles non dat præcepta Lyceo,  
 Nec resonat Zenonis voci porticus ampla.  
 Per noctem vigilans inter sylvas Academi,  
 Luctifer exercet fatalia carmina bubo.  
 Nunc provoluta jacent templa auro olim decorata;  
 Non possit sculptor facere immortalia clarus.  
 Advena cum lapsas spectat fractasque columnas,  
 Cecropias, sed non viventes, cernit Athenas.  
 Solvitur in fletum gloriæ spectans monumenta,  
 Ilissi et gemitus miscet cum murmure blando.

E. D. G.

*January 1st, 1821.*

## PARAPHRASED IN ENGLISH VERSE.

GRAVES of proud kingdoms, by the hand of time  
 Scattered o'er every land, through every clime,  
 I sing not you; a dearer theme I choose;  
 Thy fate, Achaia, moves my plaintive muse.  
 For thee each friend of science drops a tear  
 Sacred as those shed on a mother's bier;  
 Or such as moisten the loved patriot's grave,  
 Poured by his country that he died to save.  
 Ah, Greece! too soon thy course of glory o'er,  
 Deeply thou sleep'st, alas! to wake no more.  
 Once thou wert free, and bounteous freedom gave  
 Conquest by land, and empire on the wave;  
 She gave thee all that can a nation bless,  
 Immortal fame, and wealth, and happiness.  
 Apollo loved thee from thy earliest days,  
 And all the Nine inspired thy poets' lays.  
 Nature herself admired thy pencil's art,  
 That charm'd the fancy, while it touch'd the heart;  
 Apelles taught the canvass how to move,  
 The canvass taught Apelles how to love.  
 Thy chisel too could form and beauty give  
 To the dull marble, make it breathe and live.  
 Minerva led thee science to explore,  
 And taught thy sages more than mortal lore.  
 Land of the mighty! valour found in thee  
 A glorious death, or laurell'd victory.  
 Perhaps the very spot on which a slave  
 Now tamely sleeps, was once a hero's grave.  
 Thy towers, Olympia, heard the poet's lyre  
 Resounding high, with more than mortal fire.  
 The plains of Elis saw thy youth maintain  
 The gen'rous strife, a wreath of palm to gain;  
 On royal brows esteemed a fairer gem  
 Than those that sparkle in the diadem.  
 Ah, Greece! thy splendour all has pass'd away  
 Like the bright glow that lights the parting day;  
 Or as a brilliant star that gilds the skies,  
 Then headlong falls, and fades away, and dies.



And has the heav'nly spark for ever fled  
 That warmed the bosoms of thy glorious dead;  
 That fired Leonidas to deeds of fame,  
 And gave Miltiades a deathless name;  
 That twined the Athenian's brow with living palm,  
 And nerved the Spartan's swift descending arm?  
 It has; and left behind a sullen gloom,  
 Dark, dismal, as the silence of the tomb.  
 This gloom, O slavery, is the shadow cast  
 From thy grim form, to mildew and to blast.  
 Methinks in Marathon I see thee stand  
 And wave thy scorpion scourge o'er freedom's land:  
 Then with gigantic steps I see thee move  
 To where the Spartan band with Xerxes strove;  
 And there, (methought 'twould wake the slumb'ring dead,)  
 Pollute their ashes with thine impious tread.  
 The laurel crowns beneath thy feet are thrown,  
 Which once on heroes' brows refulgent shone:  
 O'er heroes' sons thou hold'st thine iron reign,  
 Degenerate race, they kiss the servile chain!  
 Before thy withering frown the arts retire,  
 Flown are the Nine, and mute the Thracian lyre;  
 Save when soft zephyrs, from the western sky,  
 Wake on its strings a low and plaintive sigh;  
 Or when rude Boreas through its chords resounds,  
 And from the hills the echoing dirge rebounds.  
 Apollo haunts no more Parnassus' height,  
 But there the wolf his howl maintains by night,  
 By day his watch. No more the sacred fount  
 Pours its full current down the rugged mount,  
 But seems its absent votaries to mourn,  
 And weep, with trickling drops, for their return.  
 The Muses all have left their native land  
 To follow freedom to a foreign strand.  
 No more, O Tempe, in thy vale they're seen,  
 Amidst thy shady grots, and "alleys green;"  
 No more they dance while the brisk pipe persuades  
 Along thy cool retreats and sounding glades;  
 From thee no more the harp's sweet notes arise,  
 No more thy vocal strains salute the skies.

The silver Peneus sadly flows along,  
 No more enlivened by the jocund song.  
 Dull shepherds tend their charge on Elis' plains,  
 Bending beneath the burden of their chains ;  
 And there where heroes, poets, princes strove,  
 The lonely flocks now unmolested rove.  
 And thou, fair Eden of the classic world,  
 Beloved Athens, from thy splendour hurled,  
 How dost thou sit in loneliness and wo ?  
 Deep silence reigns throughout the portico  
 Where Zeno taught ; and the profoundest night  
 Pervades the halls where once the Stagyrte  
 His sunbeams scattered. Plato's godlike lore  
 In Academus' grove is heard no more ;  
 But there the owl from the lone cypress tree,  
 On night's dull ear pours her sad minstrelsy.  
 Birthplace of arts ! through thy forsaken halls,  
 Thy fallen temples, o'er thy ruined walls,  
 Stalks desolation, brandishing on high  
 The besom of his wrath. With anxious eye  
 The trav'ler gazes round thy desert plain,  
 And asks for thee, fair Athens, asks in vain.  
 Thy lifeless corse he sees : grief fills his soul,  
 And tears gush forth, and flow without control ;  
 Mingling their current with the lonely tide  
 Of thine Ilyssus, moaning at his side.

E. D. G.

*March 1st, 1821.*



*Dum corpus dormit animus vigilat.*

ÆSTIVUS longum cælis evanuerat sol,  
 Frigida nunc noctis terras invaserat umbra.  
 Dulcis et alta quies artus languore solutos  
 Invasit; vincla atque animus mortalia rumpens,  
 Servitii impatiens, propere loca vasta pererrat;  
 Impavidus vada salsa secat, Neptunia regna,  
 Invictusque labore excelsa cacumina scandit.  
 Urbes magnificas magno turbante tumultu  
 Visit, et in dumis, interque horrentia lustra,  
 Obscura ac nunquam humano pede trita vagatur.  
 Sic ultro citroque vagans, subito, aspicit arcem.  
 Canescunt neglecta situ munimina turpi,  
 Murorumque labant, infenso tempore, moles.  
 Tum quidem ego in tempus moerente animo remeavi,  
 Cum (nunc heu! lapsum est) tutari hæc mœnia possent  
 Uxores, pueros, natas, fortesque maritos.  
 Aulam repletam video, ac dulcem citharædum  
 Audire (infirmos cithara qui sustinet artus)  
 Attentus videor, mulcentem carmine curas.  
 Voce canit rauca heroûm nunc prælia dura,  
 Nunc mortem heroum pertristi carmine plorat.  
 Nullo intervallo, nullo vel tempore vinctus,  
 Pars hominis divina, animus super æthera scandit,  
 Aut Stygii impavidus peragrat per regna tyranni,  
 Sublimem nebulam conscendit, et aera scindit,  
 Aut subter fluctus descendit ibique pererrat.  
 Sic animus lusit meus, insomnisque per orbem  
 Me duxit, tractusque maris, cœlumque profundum,  
 Tempora per præsentia, lapsa, futuraque, cogens.  
 Ceu volucris sine lege vagans, nidoque relicto,  
 Tandem frondiferis suspensa cubilia ramis  
 Lustrando quærit; ceu charis exul ab oris  
 Dilectæ patriæ, ad natalia respicit arva,  
 Sic animus fertur meus ad tua littora Achaïa.  
 Tum subito, ante oculos cœpere exurgere formæ  
 Quorum perstabunt semper præconia laudum.  
 Primo oculis senior, veneranda apparet imago,  
 Cui frontem sulcis signarat ruga senilis;

Tristis erat vultus; nam, clari luminis expers,  
 Vitam perpetua duxit caligine cinctus;  
 Sed Musæ huic carmen dederant pro lumine adempto.  
 Longa undansque pedes vestis defluxit ad imos,  
 Stabat crinibus intonsis, sparsisque procella  
 Hyberna, ilicis hirsutæ patulæque sub umbra.  
 A ramis lyra frondiferis suspensa pependit;  
 In cœlum direxit inanes luminis orbēs,  
 Divinum afflatum orantes ab Apolline magno.  
 Extemplo egregio fulgor micat igneus ore;  
 Tum ardorem ingenii torrentem, animique vigorem,  
 Vinculis immunem, vultu radiante videres.  
 Luce orbatū oculi, rutilo quasi fulgure splendent;  
 Mox prendit citharam, atque impellere pollice chordas  
 Nunc cœpit, resonisque replet concentibus auras.  
 Raucisonos cithara numeros, fidibusque canoris,  
 Primo sollicitat, vesanaque jurgia regum  
 Commemorat, quando studiis certare nefandis.  
 Pelidis quando amplexu Atrides Agamemnon  
 Charo, Brisein voluit divellere pulchram.  
 Mox dulces sonitus reddit lyra pollice tacta;  
 Nam variatque modos, canit atque incendia amoris.  
 Quomodo, commemorat, Atridis adultera conjux  
 Deseruit thalami socium, nataliaque arva;  
 Oceani ut tentaret iter, vestigia sectans  
 Trojani Paridis; regalia tecta reliquit,  
 Accenditque, mali genitrix! discordia bella.  
 Rursus ab integro numeros variat, nemus implet  
 Concentu; afflatu divino membra tremiscunt;  
 Igne oculi radiant, et fulmina dejicit ore;  
 Prœlia dura canit, rigidi certamina Martis;  
 Classica jamque sonant, hinc Hector sævus in armis  
 Per medios hostes præceps, gladioque cruento,  
 Fulminat, atque ruens morientia corpora calcat;  
 Inde furit clypei dominus septemplicis Ajax,  
 Hostes, ceu fluctus rupes immota, repellens.  
 Miscentur clangorque tubæ gemitusque, precesque;  
 Xanthus agit cursus, multo nunc sanguine tinctus.  
 Tunc cœpit vates, felici carmine clarus,  
 Concilium venerandorum cantare Deorum.  
 Hic pater omnipotens, celsi moderator Olympi,



Sublimi solio sedet, ac decreta sororum  
 Explicat, atque Deis præcepta capessere mandat,  
 Si vitare velint sedes diras Furiarum.  
 Tristes nunc sonitus, dulcesque feruntur ad aures.  
 Nam (quoniam Hector abest), mentem turbata dolore,  
 Uxor segnitiam plorat, Divosque fatigat  
 Continuis precibus, ut servent morte maritum,  
 Atque triumphantem reddant sine vulnere amicis.  
 Nunc cessat belli fremitus; petit ocyor aura  
 Dilectum heroem, puero comitata tenello.  
 Ecce pater, fili, redimitus tempora lauro,  
 Nobis jam redit invictus, non tactus ab hoste.  
 Dixerat; amplexuque virum tenet oscula jungens.  
 Nunc gemitus resonant longe, horrendique ululatus  
 Auras, scæminei questus, lamentaque complent.  
 Priamides Trojæ columen, terror Danaorum,  
 Nunc jacet occisus, sicca porrectus arena,  
 Vestе carens, niveumque imbutus sanguine corpus.  
 Interea Priamus portis excedit ad arva,  
 Gentis ubi Danaûm numerosæ castra locantur;  
 Festinans iram mulcere immitis Achillei,  
 Atque rogans precibus nati corpus laceratum.  
 Illum heros auditque, benigneque corpore donat.  
 Cantarat vates afflatus numine Phœbi;  
 Atque oculis fugiens, densis se condidit umbris.

Extemplo ante oculos exsurgit Pindarus altus.  
 Dum citharæ chordas resonantes pectine pulsat,  
 Incenditque animos, ac motu pectora complet.  
 Principio cantus mellifluus occupat aures,  
 Quando hymnis laudat Divûm regem omnipotentem;  
 Cujus supremo imperio arduus intonat æther,  
 Atque poli, crebro, nigrantes, fulgure splendent.  
 Cujus ob horrorem, sævam surgentis in iram,  
 Orbis terrarum tremit, oceanique latebræ  
 Sæpe diuque tremunt, cœlique palatia labant;  
 Tartareique domus mœstos reddunt ululatus.  
 Dein Phœbum, auctorem lucis claræ, canit hymnis,  
 Musarum ducem Parnassi sacra colentum.  
 Phœbum, qui vatem diis afflatibus implet;  
 Quique oculo rutilo ardentes radios jaculatur.

Nunc Deus armipotens, bellator, munera laudis  
 Deposcit, vatesque parat persolvere quæsta.  
 Armorumque canit patrem, effera bella cientem.  
 Cujus ad accessum, vibrantis cuspidem acutam,  
 Formido exsanguis rapido fugit ocyor Euro;  
 Ecce Deus torvo vultu, atque micantibus igne  
 Luminibus rutilo, fremit horridus ore cruento.  
 Dum juxta sidit Bellona accincta flagello,  
 Cornipedes stimulans spirantes naribus ignem.  
 A tergo sequitur sæva et truculenta caterva;  
 Sanguineam portans tædam Vulcania pestis,  
 Dira fames torvis oculis, macieque peresa,  
 Cædes tinctam ense puerorum sanguine vibrans,  
 Crudelisque rapina petens avertere prædam.  
 Palladi nunc castæ lætus dat munera landum;  
 Cujus ob imperium, commoti pectoris æstus,  
 Ira parens odii cadit, atque insana libido  
 Vindictæ cessat, cœcique cupidinis ardor,  
 Invidiæ stimuli acres, suspicioque residunt.

Qui dulcis sonitus lætas nunc fertur ad aures,  
 Secessu nemorum excedens? vestigia verto  
 Illuc, ac video gelidam dulcemque cavernam,  
 Musæ Melpomenes, umbra tectam saliceti.  
 Ante fluit limen lachrymarum rivus amarus,  
 Auræ quæ frondes agitant, sylvamque pererrant;  
 Indomiti mœroris sunt suspiria acerba.  
 Melpomene hic residet, nullis terroribus apta,  
 Nam sylvam umbrosam nulla horrida spectra frequentant,  
 Nulli animi motus vehementes pectora turbant.  
 Antro enim inest viridi divini Euripidis umbra;  
 Musa favens auditque preces, et vota precantis.  
 Excedit spelunca oculis fulgentibus igne.  
 Nullam fert citharam, humanæ sed tangere cordis  
 Nervos conatur, dulcemque sonum extrahit illis,  
 Sic tristem ut mœrore etiam fera saxa moventur.  
 Rorantes lachrymas cœlum defundit ab alto,  
 Atque suum cantum dirimens, plorat Philomela;  
 Ora rigant mea flumina salsa, animum dolor implet;  
 Somno destituor, fugiuntque insomnia grata.

E. D. G.

March 2d, 1822.



## PARAPHRASED IN ENGLISH VERSE.

THE sun's setting rays from the west long had faded,  
 And night's sombre pall the fair landscape had shaded,  
 My dull mortal clay in a deep sleep was buried,  
 While fancy, from daytoils now freed, swiftly hurried,  
 To sport through the grove, and to bathe in the fountain,  
 To roam o'er the valley, to climb o'er the mountain,  
 And braving the depths and the shoals of the ocean  
 To ride its proud waves in their wildest commotion;  
 Through the fertile domain, and the heath covered waste,  
 In her chariot of air did she rapidly haste.  
 And now her eye rests on a wild lonely tower,  
 Which had once been the home of pride, grandeur, and power,  
 Its tall ramparts were mouldering fast to decay,  
 And with age were its battlements ruined and gray;  
 'Twas embosomed in trees, with dark ivy o'ergrown;  
 Through the shade that surrounded, a beam scarcely shone  
 From the pale sickly moon, to give light o'er the green  
 For the wild dance of elves and of goblins at e'en.  
 I thought of the times when these ruins defended  
 Youth, beauty, and valour, with courtesy blended;  
 I thought of the days when its banner was streaming,  
 And light from the arms of its warriors beaming,  
 When they marshalled their bands for the murderous fight  
 In defence of their country, their freedom, their right.  
 I thought of the hall with applauses loud ringing  
 As the grayheaded minstrel 'mid chieftains stood singing  
 The deeds of their fathers remembered in story,  
 How they sank 'mid the slain on the field of their glory.

Fancy knows no restraint of time or place,  
 O'er earth's wide realms she bounds with rapid pace,  
 Among the stars her frolic form she rears,  
 And dances to the music of the spheres,  
 She mounts the fleecy cloud, and skims through air,  
 Or dives beneath the sea, and gambols there.  
 Such tricks my fancy played, such were the ways  
 In which she wandered wild through many a maze.

But as the bird that skims the distant sky  
 Towards its loved nest directs its longing eye,  
 As the lone exile who hath roamed abroad  
 Pursues at length with joy his homeward road.  
 My fancy too, its devious wanderings o'er,  
 Alights at length, O Greece, on thy loved shore,  
 The home of fancy, (where in ancient days  
 She first inspired the minstrel's proudest lays);  
 There to my sight presenting forms of those  
 Who sleep renowned in glorious repose.  
 First on the scene appeared an aged seer;  
 His brow was furrowed o'er by many a year  
 Of toil and trouble; yet his lofty form,  
 Proud and erect, bowed not beneath the storm.  
 He stood, his white hair streaming on the blast,  
 His loosely flowing robe behind him cast;  
 Beneath an aged oak whose branches flung  
 Their shadows round him, and upon them hung  
 His lyre, his only heritage, the dower  
 Apollo gave to soothe each solitary hour.  
 Sudden a light burst on his pale, wan, face,  
 Then in his radiant features you might trace  
 The fire of inspiration beaming bright,  
 His sightless eyeballs gleamed with awful light.  
 He snatched his harp and struck the sounding strings,  
 With the responsive peal the welkin rings.  
 In angry notes the bard his song began,  
 He sung how discord flew from man to man  
 Among the mightiest Greeks, and almost lost  
 The common cause, by civil tempest tost.  
 Next in harmonious accents, such as fell  
 From Orpheus' lips and soothed the guards of hell,  
 Of beauty's charms he sung, the dulcet sound  
 Stole onward, breathing melody around.  
 His theme fair Helen, decked with every grace  
 That poets fancy or that limners trace.  
 Mere fleeting beauties these, that catch the eye,  
 And please the sense, then fade away and die.  
 In contemplation of her matchless charms,  
 Her guilt awhile he spares, but now he arms



His heart against her power, and shows her shame,  
 And tells the story of her blighted name,  
 To tones of war he tuned his harp anew,  
 So loud the strain from hill to hill it flew;  
 The startled lion heard the fearful lay,  
 E'en his fierce nature shuddered with dismay.  
 New transports fired the bard as he revealed  
 The awful terrors of the embattled field.  
 Now gallant Hector, thunderbolt of war,  
 Through hostile ranks drives on his bounding car;  
 Now giant Ajax stands like some tall rock,  
 Alike regardless of the battle's shock;  
 The trump's shrill clang is mingled with the cry  
 Of soldiers writhing in their agony.  
 The yellow Xanthus, yellow now no more,  
 Pours its sad current stained with clotted gore.  
 Meantime the bard again his subject changed,  
 And sung the immortal gods in council ranged.  
 Almighty Jove was there enthroned on high  
 Amid the thronging senate of the sky.  
 A frown upon his kingly brow there sate  
 As he disclosed the just decrees of fate,  
 And bade the gods obey his mandate given,  
 Or lose for evermore their seats in heaven.  
 Now gentle notes of pity float along,  
 And plaintive sighs fill all the poet's song.  
 'Tis Hector's spouse lamenting his delay  
 In her lone chamber, where she'd sit and pray  
 For his loved life, and chide the lagging hours,  
 'Till they restore him to her peaceful bowers.  
 The trumpet's blast, the cry of death, the roar  
 Of raging battle, now are heard no more;  
 Triumphant shouts her dormant senses rouse,  
 Hoping, yet trembling, swift she seeks her spouse.  
 Lo, Hector comes, she cries; he opes his arms  
 And soothes her grief, enraptured views her charms,  
 And folds her to his breast in warm embrace,  
 While tears of joy bedew his manly face.  
 Wild notes of woe now fill the dark'ning air,  
 The cry of grief, the howl of dire despair.

Hector before Achilles' mighty force,  
 Low, prostrate lies, a bloody, mangled corse;  
 For ever thence the vital spirit's fled,  
 And Troy laments her guardian hero dead.  
 Sad the lament! for when his life was gone,  
 Each widowed mother mourned in him a son;  
 Each matron wept in him a champion brave,  
 Each orphan saw in him a father's grave.  
 Sad the lament, as through his once loved home  
 His widowed princess raves, by grief o'ercome.  
 Meantime old Priam from the city wends,  
 And towards the Grecian camp his course he bends;  
 He goes Achilles' cruel breast to probe,  
 Dust for his crown, and sackcloth for his robe.  
 Low to the ground he bows his reverend head,  
 And craves the corse of the illustrious dead.  
 Moved by the father's tears of woe, the chief  
 Restores the corse, and bids him calm his grief.  
 The minstrel paused, and then his harp unstrung,  
 High on the branches of a willow hung,  
 Then vanished from my sight, and left behind  
 Nought but the echo fading on the wind.

Homer had vanished, but before me stood  
 Bœotia's bard deep in the circling wood.  
 Entranced he stood, with ecstasy inspired,  
 His features with unearthly transports fired.  
 I marked him well; no common brow was there;  
 His was the eye of flame, the soul to dare.  
 He waked his lyre, and from it drew a strain  
 Apollo's self would not to imitate disdain.  
 First from the chords a pealing anthem rung,  
 In praise of heaven's exalted King he sung.  
 A sacred dread came o'er my very soul,  
 Religious awe through all my senses stole,  
 As the high attributes of mighty Jove  
 In mortal numbers to display he strove.  
 To Phœbus next the bounteous God of day,  
 And sweet inspirer of the tuneful lay,  
 His homage he address'd; he smites the strings,  
 And fired with zeal a joyful pæan sings.



To warlike themes his varying song he turns,  
 And in his bosom martial ardour burns.  
 He sung of Mars, before whom coward fear,  
 All pale and trembling, flies th' uplifted spear.  
 The god with awful mien and fiery eye,  
 His pointed javelin brandishing on high,  
 Impatient burns to shed the crimson tide;  
 While fierce Bellona, raging at his side,  
 Now spurs the bounding steeds with lash and rein,  
 Now guides the flying chariot o'er the plain.  
 Behind him comes a fierce and grisly band;  
 Dire conflagration, in his red right hand  
 Bearing a flaming torch; while famine nigh,  
 Stalks on with aspect pale and sunken eye.  
 Murder, his sword besmeared in infant's gore,  
 With blood his broken armour crimsoned o'er,  
 Comes next behind; while rapine pressing near,  
 Fierce and unsparing fiend, brings up the rear.  
 Minerva next claims in his lays a part,  
 The bounteous goddess of each peaceful art;  
 Her's is the power to soothe th' excited soul,  
 And every raging passion to control.  
 Envy with eye askance, suspicion stern,  
 Insensate rage, grief with her funeral urn,  
 Does she but bid them fly and rend no more  
 The anxious bosom where they raged before.

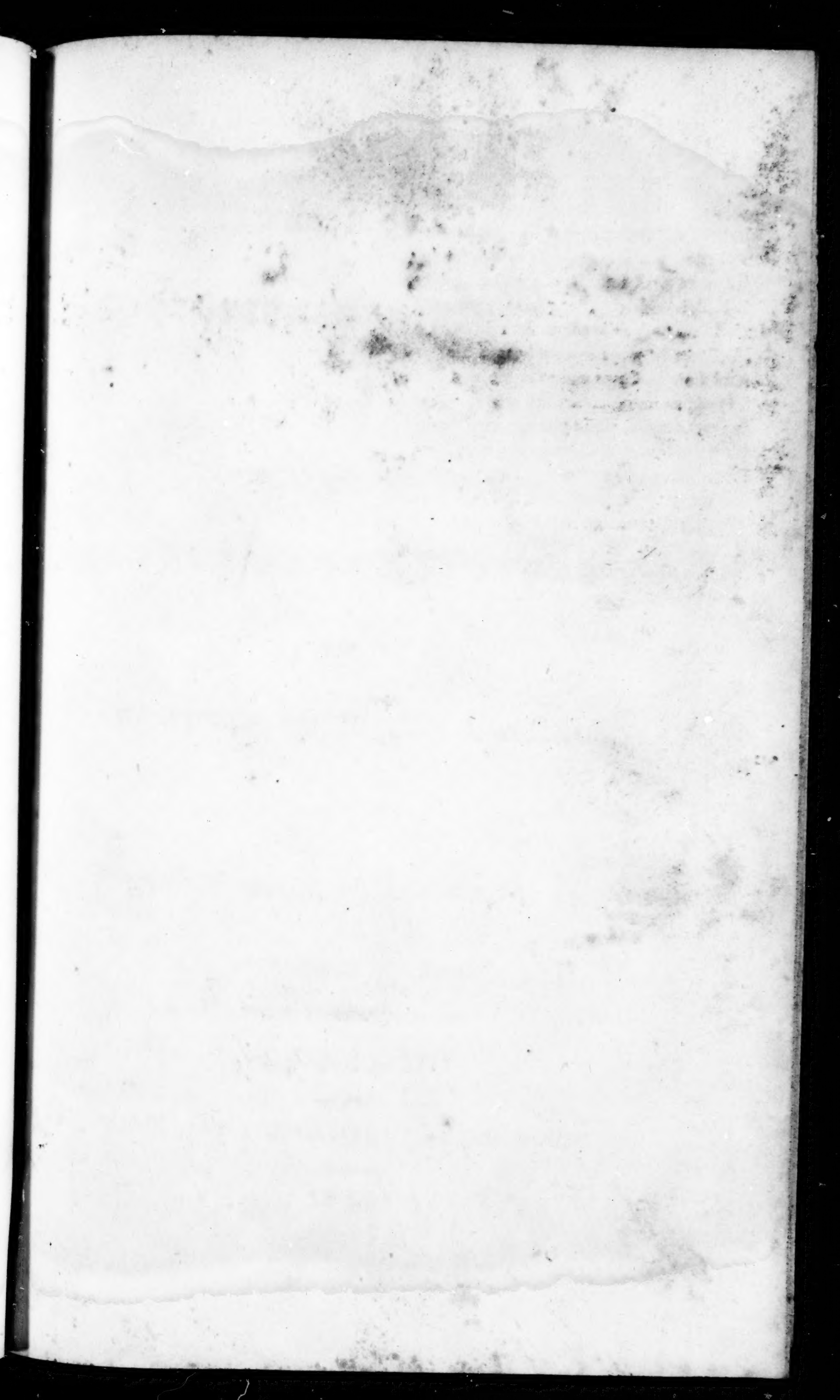
But hark! what gentle notes from yonder grove  
 Now fill the air; thither my footsteps rove,  
 And soon my fancy's eye enraptured views  
 The fairy grotto of the tragic muse.  
 Beneath a willow's shade its head it rears,  
 Washed by a rivulet of pity's tears;  
 Fanned by the sighs of disappointed love,  
 Which oft, alas! the fondest bosoms move.  
 Here sits Melpomene in gentlest mood,  
 No awful spectres haunt the sacred wood,  
 No fearful terrors clothe her radiant brow,  
 No stormy passions rend her breast, for now  
 To soft emotions she resigns her soul,  
 And down her cheek tears gently stealing roll.

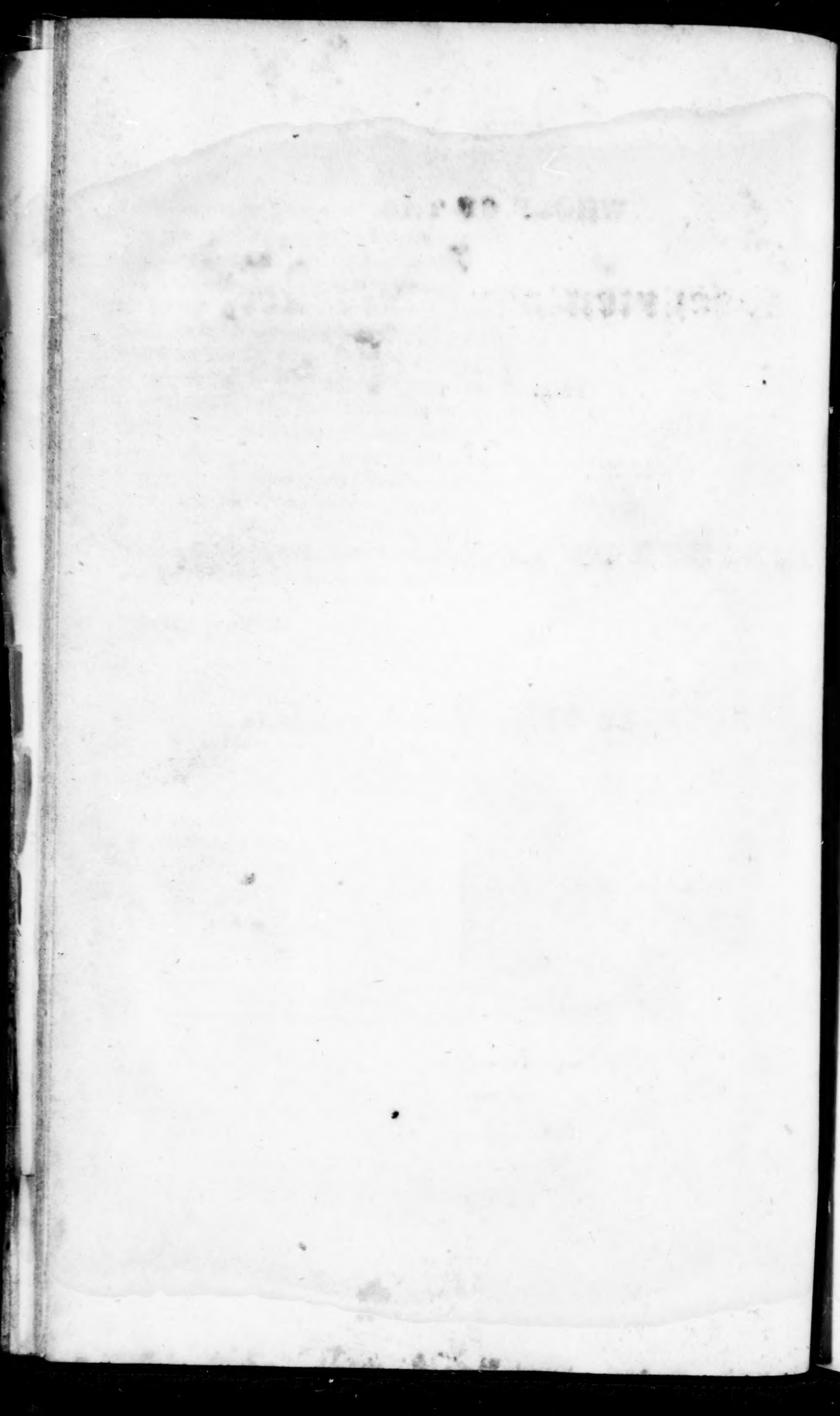
Euripides is there his vows to pay,  
 The muse propitious breathes into his lay  
 Her very soul, forth from the grot he hies,  
 Celestial glories beaming from his eyes.  
 He bears no lyre to mark the minstrel's art,  
 Methinks he plays upon a human heart,  
 And from its fibres wakes so sweet a strain,  
 So soft, so moving, that the groves complain  
 In gentle sighs, while yon expanse of blue  
 Sheds sympathetick drops of pearly dew.  
 Lone Philomel her wonted song foregoes,  
 Forgets her own, and mourns another's woes.  
 Tender emotions all my powers control,  
 Tears fill my eyes, and pity melts my soul;  
 Weeping I wake, but ah! the vision's sped,  
 And the enchanting scene for ever fled.

E. D. G.

*August 1st, 1822.*









THE  
WHOLE OF THE  
**Documentary Evidence,**  
RELATIVE TO THE  
CONTROVERSY BETWEEN THE  
**REGENTS OF THE UNIVERSITY,**  
AND THE  
**TRUSTEES OF UNION COLLEGE:**  
TOGETHER WITH THE  
*OPINION OF THE LATE CHIEF JUSTICE,*  
AND OTHER COUNSEL.  

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**SCHENECTADY:**  
—●—  
PRINTED AT THE CABINET PRINTING-HOUSE.  
—●—  
1823.

THE STATE OF NEW YORK

IN SENATE

JANUARY 1871

REPORT OF THE

COMMISSIONERS OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE

APRIL 1871

ALBANY: PUBLISHED BY THE STATE OF NEW YORK

PRINTED BY THE STATE OF NEW YORK

PRINTED BY THE STATE OF NEW YORK

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PRINTED AT THE STATE OF NEW YORK

1871



THE WHOLE  
OF THE  
**Documentary Evidence &c.**

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*At a meeting of the Graduates of Union College, held in the city of Schenectady, the 26th April, 1823.*

WHEREAS the Regents of the University, have, during the last winter and for the first time since the creation of that Board, by an act of the Legislature passed 13th April, 1787, asserted the right as Visitors, with common law powers, to interfere in the fiscal concerns of all the Colleges existing in the State:—*And whereas the Trustees of Union College have denied the existence of such right, and refused to submit to the interference said to spring out of it, so far as the institution under their care was concerned:—And whereas the whole controversy between the two Boards has been brought before the Legislature, and referred without examination to the Attorney General—And whereas certain partial statements and detached parts of documents are becoming public through the medium of the press—And whereas the Graduates of Union College, resident in Schenectady, are persuaded that they shall confer a favour on the Graduates not resident in Schenectady, as well as on the friends of science, of chartered rights and civil liberty generally, throughout the state, by collecting and giving publicity to all the documentary evidence, without comment, and in the order the same was presented or referred to in the Legislature, relative to all the points whether of law or of fact, on which the parties have joined issue:*

*Therefore Resolved*, That Samuel W. Jones, Esq. James C. Magoffin, M. D. Rev. Jacob Van Vechten, Rev. Walter Montieth, Ellis Murdoch, M. D. Rev. Alonzo Potter, together with the Chairman and Secretary of this meeting, be a Committee in behalf of the resident Graduates of Union College, to collect and superintend the printing of the aforesaid documentary evidence in the order and manner above stated.

N. F. BECK, Ch'n.

CHARLES H. TOMLINSON, Sec'y.

*Extract from an Act to amend an act, entitled "An act relative to the city of Schenectady."*

Passed February 14, 1823.

*Whereas* By the existing charter of Union College, the Chancellor, the judges of the Supreme Court, the Attorney General, the Secretary, the Comptroller, the Surveyor General, and the Treasurer, are, ex-officio, trustees thereof; *And whereas*, by reducing the number of the justices of the Supreme court under the present constitution, the number of the said trustees will be reduced: Therefore,

*Be it enacted*, That the Governor and Lieutenant Governor, for the time being,

shall be added to the number of trustees, ex-officio, already belonging thereunto; the trustees not ex-officio, to be and remain the same in number as they at present exist in said board; and vacancies hereafter occurring therein to be filled in the same manner as vacancies have heretofore been filled; Provided the board of trustees of said college shall consent thereunto, and file such consent in the office of the Secretary of this state.

—  
No. 121.

*In Assembly, February 21, 1823.*

REPORT OF THE TRUSTEES OF UNION COLLEGE.\*

*Report of the Trustees of Union College, for the year 1822, to the Legislature of the State of New-York.*

The board of trustees of Union College, respectfully report to the honorable the legislature of the state of New-York:

That the present faculty of the college, consists of the following officers, viz.

E. Nott, President.

A. Yates, Professor of Logic and Moral Philosophy.

R. Proudfit, Professor of Languages.

J. B. Nott, Professor of Chemistry, Mineralogy, and Botany.

A. Potter, Professor of Natural Philosophy.

B. F. Joslin, Tutor.

That seventy-seven young gentlemen were admitted to the degree of bachelor of arts, at the last annual commencement.—That the whole number of students, for the current year, is two hundred and thirty-four, as will appear from the annual catalogue herewith transmitted.

That the annual expense of a student in the institution, including board, tuition and books, is about \$114. The terms of admission, and the course of studies after.

\*Presented by Mr. Verplank, and referred to the committee on Colleges.



wards pursued will appear from the printed statement accompanying this report.

The classical library for the use of students, is continued ; from which indigent students receive their books gratis ; and about forty-six young gentlemen have been otherwise assisted during the last year, from the fund granted by the state, for that purpose.

The monies appropriated to the permanent support of officers ; for establishing a classical library, and for aiding indigent youth, have been and continue invested according to law.

The debt of the institution has increased since the last report, by the amount of the interest that has in the mean time accrued thereon ; the net avails of the lottery, for the last year, having been only about five thousand dollars, to be divided among the several institutions interested therein.

This unexpected failure in the net avails of the lottery which was pending at the time the "act to limit the continuance of lotteries," was passed, and which was estimated by the comptroller, at more than thirty thousand dollars, while it places the institution concerned, in a worse condition than was contemplated, furnishes additional evidence of the necessity of changing the plan of conducting said lottery ; and the said institutions have therefore consented to accept of the conditions of the act to limit the continuance of lotteries, and they have made a contract for the disposition of the tickets authorised to be disposed of under said act. Even though this contract should be carried into effect without any failure, the amounts to be received by the several institutions, must be considerably less than was contemplated by the original grant. But it was believed by the institutions, that their ultimate loss would be less, if they accepted of the provisions of the "act to limit the continuance of lotteries," than it would be, if the lottery was left to proceed on the original plan ; there being on that plan, no prospect of the grant's being realized within any assignable period.

To prevent misapprehension, it may not be improper to remark, that in the state-

ments frequently made of legislative grants to colleges, a gross amount is stated to have been appropriated to Union College, which is far beyond what they have actually received.

By an act of the legislature, passed April 9, 1795, there was granted for a library and apparatus, \$3,750

By an act, passed April 11, 1796, for defraying the expense of building, 10,000

By an act of March 30, 1797, for the support of a professor for two years, 1,500

By an act of March 30, 1805, four successive lotteries were granted, on a petition for forty-five thousand dollars ; the avails of which lotteries were not realized till many years after the grant was made, though the money applied for was borrowed immediately, a part of it from the state itself, and the interest thereon was paid out of the avails of said lotteries. And though the grant nominally, was eighty thousand dollars, after deducting the ten thousand dollars appropriated to charitable purposes, and after paying the interest on the loans procured of the state and elsewhere, on the faith of said grant, the college realized therefrom, only about 45,000

Making in all, about \$60,250

By an act, passed April 13, 1814, \$30,000 were granted for the payment of debts ;

\$100,000 for the erection of buildings ;

\$20,000 for the purchase of library and apparatus ;

\$50,000 for a charity fund, with interest thereon, for six years ; in which time it was contemplated, the whole of said grants would be realized. But though nine years have elapsed, no part of the principal of said grants has yet been realized, and a part only of the interest. So that instead of having received from three to four hundred thousand dollars, (as has often been said,) Union college has as yet



actually and practically received only about \$60,250, exclusive of some inconsiderable receipts on lands granted.

The erection of the present college edifices, and the debt contracted for that purpose, were measures sanctioned at the time by the legislature. And though it was supposed that the payment of that debt was provided for by the grant of 1814, on account of the failure of the lotteries, it has remained unpaid.

But as the failure of the lotteries, was an event over which the colleges had no control, they cannot be responsible for the consequences of that failure, or censurable for being and continuing in debt, since the means of paying off the same, have, without any neglect on their part, been hitherto withheld from them.

All which is respectfully submitted.

In behalf of the Board,

HENRY YATES, Jun. Clerk.

No. 229.

IN ASSEMBLY, APRIL 19, 1823.

REPORT from the Trustees of Union College, in addition to their annual report.\*

The Trustees of Union College, respectfully report, to the honorable the legislature of the state of New-York, in addition to their annual report, already made for the last year, that the statement of actual receipts, by the trustees of Union College, under the appropriations made previous to 1814, exclusive of inconsiderable sums from the sale of lands made in their late report to the legislature, was taken from the statement appended to the report of the committee of the Assembly, in 1814. (See Assembly Journals for that year, page 118, and with which, in point of fact, it will be found to agree, except that reference to one act was inadvertently omitted by the person who transcribed the same, at the instance of the treasurer, which omission was not noticed, until after said report was printed and referred.)

The trustees further report, that by a reference to the journals of the Assembly, for the year 1814, page 116, a detailed statement will be found of the property, both productive and unproductive, possessed by Union College, and the debts then due by

the College, all of which were examined while the act was pending for the appropriations then made for the payment of the existing debt, and the finishing of the edifices then already begun, and the edifices since begun and finished, having previously disposed of their former buildings; which disposition thereof had been approved and ratified by an act passed in 1812. Up to the time of the foregoing statement, contained on the journals of the Assembly, (as will be seen by examining the report of the committee of the Assembly, to which it is appended,) the whole receipts of Union College, from grants previously made by the state, were then inquired into and accounted for, and stated to the Assembly; which receipts, and the satisfactory accounting for the same, is recognized by both houses, by the passing conformably thereunto, on the 13th of April of that year, an act instituting a lottery, for the promotion of literature.

Since the time of the foregoing recognized and satisfactory statement, neither the productive or the unproductive property of the trustees has been diminished, but on the contrary both have been increased; having, at this time, the full amount of \$59,207 50, of bonds and mortgages, or contracts therefor, drawing an interest of 7 per cent. and having also invested in the Mohawk Bank, the full sum of \$37,570, exclusive of \$10,000 invested in said bank; the avails of \$5,000 thereof to the establishment of a classical library, for indigent youth, and the avails of \$5,000 to the further assistance of indigent youth as was reported to the legislature in 1815; and exclusive also of \$5,000 in the Hudson Bank stock, now deemed of no value; and exclusive also of \$41,200 of bank stock, being shares subscribed in different banks, conformably to a law of the state, and filled up with money borrowed; for the payment of which, said stock is liable, and which the trustees have purposed to retain, if possible, for the future investment of the \$50,000, appropriated to a charity fund, when the same shall hereafter be received from the lotteries.

Since February 12th, 1814, (up to which

\* Submitted to the Committee on Colleges.



time, as has been stated, and as will appear from the journals of the Assembly, already referred to,) the trustees voluntarily reported, and satisfactorily accounted for all monies previously received from the state.

The trustees have paid out, on the faith and for the purposes specified in the appropriations made in the act instituting a lottery for the promotion of literature, passed April 13th, of that year, and they have received from the comptroller, in part payment of interest on said appropriations, as follows:

To amount paid out by the trustees, since February 12, 1814, as follows, viz.		By amounts received from the comptroller, since February 12, 1814, as follows, viz.	
Paid in anticipation, on the then unfinished edifices, and on the edifices since begun and finished, on the faith of the appropriation of \$100,000, made in said act for that purpose,	67,781 21	Received from the comptroller, at different times, in part of interest due on the appropriation of \$100,000, made in said act, for buildings,	30,623 22
Paid balance of interest on said anticipation,	28,680 49	Received also in part of the interest accruing on the \$30,000 appropriated for payment of debts,	9,187 17
Paid interest on the debt for the payment of which \$30,000 was appropriated in said act,	17,488 56	Received also in part of the interest accruing on the \$20,000 appropriated for the purchase of library and apparatus,	6,124 44
Paid for library and apparatus, on the faith of the appropriation of \$20,000, for that purpose,	3,985 26	Received also in part of the interest accruing on the appropriation of \$50,000, for a charity fund,	15,311 61
Paid balance of interest in part, on the same,	163 87		
Paid out to indigent students, on the appropriation of \$50,000, for that purpose, in said act,	17,502 72		
Total paid out, \$135,602 11		Total received, \$61,246 44	

Now, if from the amount expended by the trustees of Union College, on the faith

of the appropriations made in the act of 1814, which amount expended, is

\$135,602 11

There be subtracted the amount, in part, of interest received on said appropriations, all of which were expected to have been paid in six years, which amount, in part, of interest received from the Comptroller, is

61,246 44

It will be seen that the trustees have, in the mean time, expended on the objects contemplated in said act, more than they have received from the Comptroller, by the balance amounting to

\$74,355 67

And had they incurred, and were they now holden for the payment of an additional debt, equal to the full amount of the above balance of \$74,355 67, exclusive of the \$5,000 lost by the failure of the Hudson Bank, they could not, either by the legislature or the public, be considered as having exceeded the limits of a sound discretion, under the provisions of the act in question—for the finishing of the edifices, was not only authorised by the act, but was indispensable for the public convenience, and that the debt incurred in finishing them has not been fully paid, has been owing not to the misapplication of funds received, but to the withholding of funds granted, by the failure of the lotteries.—But they are not at this time holden for the payment of that additional amount of debt; and the reason that they are not (given indeed reluctantly) is, that as soon as it was discovered that the institution was in danger of being materially injured by the delay of the lotteries, the president of the college proposed, and the professors acquiesced, in a reduction of twenty per centum on their salaries, in addition to which reduction the president of the college has hitherto relinquished four hundred dollars annually of the amount receivable by him from the trustees: which reduction and relinquishment have placed fifteen hundred and fifty dollars annually at the disposal of the trustees, and by the application of which, near five thousand



dollars of their debt has been paid. In addition to which, and at a time when the institution was pressed for money, 8,500, being the avails of a prize ticket, instead of being retained for individual use, by the purchaser and holder thereof, was gratuitously applied to the reduction of the debt of the trustees some months before the board were apprised of the existence of such a ticket; which benefaction, and the interest that has accrued thereon since it was applied, makes a difference at the present time of more than \$10,000 in favour of the board. Besides which, the product of some successful negotiations undertaken and conducted by individual members and officers of the board, amounting to between even and eight thousand dollars, have also and without any reservation of the profit or individual trouble and expense, been applied to the reduction of said debt. To which may be added several amounts of interest on monies loaned by individual trustees and relinquished in favor of the board. So that between twenty and thirty thousand dollars, derived from the relinquished earnings of their own officers, or from the surrendered products of the skill of the fortune of their own members, has been applied towards the reduction of that debt, contracted on the faith of the state, and for the payment of which, it was the intention of the state fully to provide. Though it were unnecessary (but for reasons hereafter to be mentioned) to advert to any transactions antecedent to February 12th, 1814, when the accounts of Union College, so far as respected funds derived from the state, were fully adjusted, and acted on by the legislature, the trustees beg leave, in addition to the detail they have given since that time in retrospect, to report:—That by an act for the endowment of Union College, passed March 30, 1805, in addition to \$35,000 appropriated to the erection of edifices, 5,000 was appropriated to be invested in a specified manner, and the interest accruing thereon to be applied to the support of such professorships as were, or might thereafter be, instituted in said college, and an exhibit was required to be

made to the legislature of the proceedings of the trustees in relation to the application of the interest that should thereafter accrue thereon. The residue of the avails of said grant is directed to be invested in the same manner—the one half for the establishment of a classical library for the use of indigent students, and the other half for the further assistance of indigent students, as will be more fully seen by a reference to said act.

By a subsequent act, however, passed February 22d, 1811, the trustees were authorized to invest these appropriations in the Mohawk Bank, which was accordingly done, and report thereof was made to the legislature.

At the time this appropriation of \$35,000 was made in the aforementioned act of 1805, the trustees of Union College had but one professor in the institution, and it will be seen by the preamble of the act itself, that they had no funds for supporting any more. On the 29th day of July, 1806, three additional professors were appointed, on the faith of this grant, towards the payment of whose salaries the amount of the avails of said grant has been uniformly applied; and the fact of the original appointment, and the names of the persons filling the same, was reported, and has continued to be reported from year to year; so that on the face of every annual report, both the investment and the application of the income of this grant, have been made apparent.

With respect to the residue spoken of in said act of 1805, though by means of delay in the drawing of the lottery instituted therein, the same was exhausted in the payment of interest on money borrowed from the state and elsewhere, so that the trustees could not be bound by law to invest what they did not receive, a great part of which residue spoken of in the grant, having been actually paid into the treasury of the state; and though the act which made the appropriation, and fixed the manner of the investment of this residue, did not require any report, the trustees so fully approved of this appropriation, that they did invest the full amount of \$10,000, being what would have been



the residue if there had been no loss thereon in the capital stock of the Mohawk bank, & reported the same; and they have continued to report annually that the avails had been applied to the objects specified, and stated the number of individuals assisted therefrom.

The trustees further report, that half the intended residue spoken of in said act, estimated at *D*5,000, and appropriated for a classical library for the benefit of indigent students, was granted in 1805, and invested in 1814.

DR. Classical Library Fund.	CR.
To advance paid out by the trustees for that purpose, exclusive of the interest paid on such advance before any avails were received, \$5,638 27	By cash received by the trustees, being interest on said appropriation of \$5,000, after the same had been invested, \$2,800

Half the intended residue spoken of in said act, estimated at *D*5,000, and appropriated for the relief of indigent youth, granted in 1805, and invested in 1814, the interest of which amount the trustees appropriated for that purpose from the time the law was passed, which was reported and approved of by a committee of the Assembly: see Assembly journals for 1814, page 115.

DR. Fund for the relief of indigent youth.	CR.
To amount paid out by the trustees, for the relief of indigent students, on the faith of said appropriation, \$8,576 32	Amount received by the trustees, being interest on said appropriation, after the same was invested, \$2,800

The trustees of Union College have been induced to trouble the legislature with the foregoing uncalled for detail, in consequence of a document drawn up by a committee of the regents, and served on them, requiring, on the 14th day of April, in the words of a statute of the state, an exhibit to be made to them, which the statute expressly required to be made to the legislature itself, and requiring many other things, which the trustees are ignorant that any law required to be performed.—The trustees, however, unwilling to be under the imputation for a moment, that they have declined reporting to the regents from any reluctance to make public the

present state of the institution, (except so far as respects benefactions bestowed by themselves, or from the earnings of their officers,) have hastened to make this voluntary disclosure to the legislature.

The precept alluded to, and which has been served on the trustees of Union College by the regents, is in the words and figures following, to wit:

*At a meeting of the Regents of the University, held pursuant to adjournment, in the Senate Chamber, March the 24th, 1823.*

The committee, to whom was referred the annual report of the trustees of Union College respectfully report:

That your committee, conceiving the object of the reference to them, to be an examination of the statements made of the financial concerns of the college, have directed their inquiries principally to that subject.\*

The trustees state that “the debt of the institution has increased since their last report, by the amount of the interest that has in the mean time, accrued thereon;” but upon referring to the report of the college, for the last year, your committee do not perceive that the amount of the debt due at that period is specified, nor are they aware that the former communications of the trustees afford any information on the subject.† It would, in the opinion of your committee, have been more satisfactory if the report had set forth the amount of the principal and interest of the debt; the time when the person or persons with whom, and the authority under which, it was contracted; and also the period at which the principal sum is payable, and whether the same is secured by any and what pledge of the property or funds of the college.

Information upon these particulars, is the more desirable, as the trustees affirm that the endowments and resources of the college, have been much overrated.

The total amount of funds actually received from the state grants, they estimate about *D*60,250, exclusive of some inconsiderable receipts on lands granted, instead of

\* To this the trustees of Union College reply, by referring to the 3d clause of “an act relative to the university,” passed April 5, 1813.

† To this the trustees reply, by referring to journal of Assembly, for 1814, page 117.



between three or four hundred thousand dollars, as they allege has often been asserted. Your committee are not apprised to what particular misrepresentations the trustees allude; but upon referring to a report made by the comptroller, to the Assembly, on the 15th of February, 1814, when the application of the college for a further endowment, was pending in the legislature, and when, if erroneous, the trustees must have been impelled by the strongest motives, to contradict its statements, but of which the accuracy seems not then to have been questioned; from this official report, made in obedience to a previous resolution of the house, it appears that the following grants had at that time, been made by the legislature, to the trustees of Union college, viz.

By the 20th section of the supply bill, passed 9th April, 1795, £1500, or	\$3,750 00
By the 26th section of the supply bill, passed 14th July, 1796, £4000, or	\$10,000 00
By the act, ch. 65, 20th session, passed 30th March, 1797, \$750 annually, for two years, amounting to	1,500 00
By the act, ch. 19, 23d session, passed 7th March, 1800,	10,000 00
By the act for the endowment of Union College, passed 30th March, 1805, to be raised by lottery,	80,000 00
	<hr/>
	\$105,250 00

Making an aggregate of one hundred and five thousand two hundred and fifty dollars: And by the same report, the following lands, (to show the value of which there is no document in the public offices,) appear also to have been granted to the college, pursuant to the said act of 7th March, 1800, ten lots of land in the military tract, reserved for the promotion of literature, viz. lot No. 18, in the township of Manlius; lot No. 36, in the township of Aurelius; lot No. 19, in the township of Marcellus; lot No. 31, in the township of Pompey; lot No. 5, in the township of Romulus; lot No. 6, in the township of Fabius; lot No. 23, in the township of Ovid; lot No. 56, in the township of Milton; lot No. 41, in the township of Solon, and lot No. 82, in the township of Scipio, each containing five hundred and fifty acres, and in all five thousand five hundred acres: And also by the

To this the trustees of Union College reply, by appealing to the journals of the Assembly, for the year 1814, page 118.

regents of the university, pursuant to the act chap. 105, passed 3d April, 1802, to the Columbia and Union Colleges, jointly, the lands denominated the Garrison lands, At Fort George, containing 1724 acres. At Ticonderoga, containing 543 At Crown Point, 631

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2898

Making two thousand eight hundred and ninety-eight acres, one moiety of which, (fourteen hundred and forty-nine acres,) is the proportion of Union College, and making an aggregate of six thousand nine hundred and forty-nine acres of land, granted to that institution.

But with regard to the grant made by the act of March, 1805, the trustees observe, that though "it was nominally eighty thousand dollars, after deducting the \$10,000 appropriated to charitable purposes, and after paying the interest on the loans procured of the state, and elsewhere, on the faith of said grants, the college realizes therefrom only about D45,000;" and in the former part of their report, they state, that the monies appropriated to the permanent support of officers, for establishing a classical library, and for aiding indigent youth, have been, and continue invested, according to law.

Now, unless your committee misconceive the nature and terms of the grant of 1805; or unless a clear sum of D35,000 be sunk in interest or otherwise, in the anticipation and expenditure of the grant of D80,000, these separate estimates are inconsistent with each other; for by the act of March, 1805, the full sum of eighty thousand dollars was directed to be raised by lotteries, with an addition of ten per cent. for expenses, and the managers of the lotteries were required to pay over the net amount, or avails thereof, after deducting the reasonable expenses for drawing and concluding the same.—The trustees were thereupon authorized to apply a sum not exceeding thirty-five thousand dollars, by them to be raised, towards the erection of such additional edifices, for the accommodation of the students in said college, as they shall deem proper. They are then directed and required to cause the



sum of *D*35,000 more to be placed at interest, in public stock, in such manner as they the said trustees, with the approbation and consent of the governor or chancellor, should think fit, so that the interest thereof should be payable annually: and the act further declared, that the annual income accruing from the said last mentioned sum of *D*35,000, should forever be applied, solely and exclusively, for the support of such professorships as are or may be instituted in the said college; and that it shall not be lawful for the said trustees, at any time to lessen the said principal sum, or to appropriate the same or any part thereof to or for any other purpose whatsoever. The trustees are also required to cause the residue of the monies arising from such lotteries to be invested in the same manner, and on the same conditions, and under the same restrictions, one half of the avails to be laid out in establishing and maintaining forever a classical library for the use of the students, and the other half forever appropriated towards defraying the expenses of such indigent scholars as may be from time to time pursuing their education in said seminary.

By a subsequent act, passed in 1811, the trustees of the college were authorized to subscribe the monies arising from these grants in the capital stock of the Mohawk Bank, in which case the capital stock of the bank was increased to the amount in value of the shares so subscribed; and by the "act relating to the different colleges of this state," in the revised laws of 1813, the provisions of the act of 1805, in regard to the application and appropriation of the principal and income of the sums granted thereby, are re-enacted and continued, with no other difference, than that arising from the necessity of accommodating the terms of the revised law to the time of its enactment except, that besides continuing the appropriation of *D*35,000, and the income thereof, to the support of professorships, the exact sum of *D*35,000 more is directed to be applied by the trustees to the erection of buildings; and the residue of the grant fixed at *D*10,000, thus assuming the net amount thereof at *D*80,000, and making at that time specific appropriations of the

whole sum. Hence it appears, that if the monies appropriated to the permanent support of officers, for establishing a classical library, and for aiding indigent youth, have been and continue invested according to law, as stated by the trustees, then their estimate of the amount actually realized from the grant of 1805, must be incorrect; and on the other hand, if the estimate be correct, then the statement and conceptions with respect to the investment of their funds must be erroneous; for if both be true, it follows, that the sum of *D*25,000, or thereabouts, out of the grant of *D*80,000, must have been sunk in interest or otherwise.\*

Your committee must confess, that they should have great difficulty in admitting this alternative, inasmuch as from the investigation they have given to the subject, they have not been able to discover any authority in the trustees to diminish the funds directed to be permanently invested as above mentioned, by the payment of interest on advances, except only in the instances of a loan made to them by the state, to which they have adverted in their report.

By a clause in the supply bill of 1806, the Comptroller was required to borrow, on the credit of the state, of the Bank of New-York the sum of *D*15,000, to loan the same at an interest of six per cent. which sum, together with the interest, was directed to be repaid out of the treasury out of the first avails of the lotteries, and appears from the annual report of the Comptroller in 1812, to have been reimbursed to the Bank of New-York in the course of the preceding year, by the payment of principal and *D*1,208 22 of interest. The interest for the four years preceding, amounted to *D*3,000: the whole amount of interest, therefore, paid on the loan, was *D*4,808 22.

There may have been, and probably was a necessity for further anticipations of the part of the appropriation which was directed to be expended in building, and so far in reduction by the payment of interest made

\*To this the trustees of Union College reply, by appealing to the journals of the Assembly for the year 1814, page 118, near the middle of the page. See also Comptroller's report, 1812. See also at Comptroller's office, interest paid on money borrowed from school fund.



have been justifiable; but, it was certainly never intended by the legislature, that any portion of it should have been diverted to any other purposes than those specified in the act, at all events it is incumbent upon the trustees to show what disposition has been made of it.

That it was not applied to the payment of antecedent debts, appears from the annual report of the trustees to the legislature for 1813,\* wherein it is stated that the institution was still in debt to the amount of several thousand dollars, which debt was contracted to enable the trustees to erect the regular buildings for the accommodation of students, to purchase a library and apparatus, and to pay the officers salaries *during the infancy of the institution, and while they had no other means of accomplishing these purposes.* To discharge this debt, and those which may have subsequently accrued, an appropriation of \$30,000 was made by the act for the promotion of literature, passed in February, 1814. Further grants were, at the same time, made to the amount of \$170,000 for buildings for a library and philosophical apparatus, and for a charity fund, amounting, in the whole, to \$200,000. With interest at 7 per cent. for six years,

84,000

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\$284,000

Of this sum, it appears by a statement furnished your committee, by the comptroller, that the trustees had received, to the 18th of December last, \$61,246 44. The debt contracted by them, in erecting the present college edifices remains nevertheless, unpaid, on account, it seems, of the failure of the lotteries. Your committee agree with the trustees, that they are neither responsible for that failure, nor censurable for incurring the debt. It would, nevertheless, have been more satisfactory, if they had explained whether the whole, or any part of the sum received by them, under the appropriations of 1814, has been applied to its reduction.† Upon

\* To this the trustees of Union College reply, by appealing to the Journals of the Assembly for 1814, page 117, near the bottom of the page.

† To this the trustees of Union College reply by referring to the provisions of the act instituting a lottery for the promotion of literature, passed April 13, 1814.

this point, in addition to the particulars enumerated in the former part of this report, your committee cannot but believe that the regents, when they consider the magnitude and importance of the interests involved in the inquiry, and in their own responsibility, as visitors of the college, will require further information.

Upon the judicious and faithful application of funds, which have been so munificently appropriated by the legislature, to the support of public education, depend not only the success and usefulness, but the very existence of the institutions confided to the general superintendence of this board; and there seems more peculiar demand for vigilance on this occasion, in consequence of a law having passed at the present session of the legislature, which in its effects, though not perhaps in the intention of its makers, relinquishes that direct influence in the local government of Union College, which, in consideration of the endowments of 1805, the state then deemed it advisable to secure. Previously to the passing of the act of that year, the number of the trustees for the college, was established by its charter, at twenty-four, and vacancies occurring by death, resignation or removal from the state, were to be filled up by the remainder of their own body; but the grant made to them in 1805, was upon the express condition and stipulation, that they should make application to the regents, for an amendment of their charter, so as to reduce the whole number of trustees to twenty-one, and so as to constitute the chancellor, the justices of the supreme court, the secretary, the comptroller, the treasurer, the attorney general, and the surveyor general, respectively, trustees, ex officio, and also that the regents fill all vacancies, from time to time occurring amongst the remainder of the trustees, and effect the reduction of the number by not filling up vacancies, until the number of trustees, exclusive of the chancellor, judges, and other state officers, should be reduced to ten. The regents were directed to make the amendments, upon application from the trustees, which they did accordingly; so that by the operation of this act, the state officers would not only have formed a majority of the whole number of the



\*trustees, when reduced to twenty-one, but  
 \*future vacancies amongst the ten elective  
 \*trustees, would have been filled by the re-  
 \*gents, instead of by the college. The num-  
 \*ber of elective trustees, has, however, not  
 \*as yet been reduced to ten; no vacancy,  
 \*therefore, has as yet occurred, to be filled  
 \*up by the regents. Under these circum-  
 \*stances, the law of the present session, af-  
 \*ter reciting "that by reducing the number  
 \*of justices of the supreme court, under the  
 \*new constitution, the number of trustees  
 \*will be reduced, therefore enacts, that the  
 \*governor and lieutenant governor, for the  
 \*time being, shall be added to the number  
 \*of trustees, *ex officio*; and that the number  
 \*of trustees *not ex officio*, shall remain the  
 \*same in number, as they at present exist  
 \*at such board, and vacancies afterwards  
 \*occurring therein, be filled up in the same  
 \*manner as vacancies have heretofore been  
 \*filled; the effect of which is to prevent the  
 possibility of the *ex officio* trustees ever  
 forming a majority of the board, and to in-  
 vest in the college the right of election to  
 future vacancies amongst the trustees, not  
*ex officio*; in other words, to repeal the ex-  
 press condition and stipulation upon which  
 the grant of 1805, was bestowed, and de-  
 prive the state of all efficient influence and  
 control, in the direct management of the  
 institution.

But if such be the effect of the act late-  
 ly passed, your committee are well assur-  
 ed, that such was not the intention of the  
 legislature in passing it. Neither the gen-  
 tleman who introduced the bill in the Se-  
 nate, nor many other members of both  
 houses, of whom your committee have  
 made inquiry, were aware of its operation;  
 and no reasonable doubt can be entertain-  
 ed, but that upon a proper representation  
 from the regents, the legislature would  
 declare, according to their actual meaning  
 and intention, that nothing in the act re-  
 ferred to should be construed to alter or  
 repeal the existing provisions of the char-  
 ter of Union College, with regard to the  
 number of trustees, or the mode of filling  
 up vacancies amongst them.

Your committee beg leave to conclude  
 their report, by submitting to the consider-  
 ation of the board, the following resolu-  
 tions, viz :

*Resolved*, That the trustees of Union Col-  
 lege, be and they are hereby required, on  
 or before the 14th April next, to report to  
 the regents the amount of the debt due by  
 them, distinguishing the principal sum from  
 interest accruing thereon, and particulariz-  
 ing the time or times when, the persons with  
 whom, and the purposes for which the same  
 was contracted, and also the periods at which  
 the several sums of principal and interest  
 are payable, and whether the same, or any  
 part thereof, is secured by any and what  
 pledge of the property or funds of the col-  
 lege.

*Resolved*, That the said trustees be and  
 they are hereby required to "exhibit a just,  
 true, and circumstantial account, in relation  
 to the disposition and application of the  
 annual interest of the sum of D35,000, which  
 by the act for the endowment of Union Col-  
 lege, passed March 30th, 1805, by the act  
 relating to the different colleges within this  
 state, passed April 9th, 1813, is directed to  
 be applied solely and exclusively to the sup-  
 port of professorships."\* as also the annual  
 interest of the sum of D10,000 which by  
 the act last mentioned is directed to be ap-  
 plied, one half thereof in establishing and  
 maintaining a classical library, and the oth-  
 er half towards defraying the expenses of  
 indigent students; and that the said account  
 in relation to the interest, be made up from  
 the time of the investment of the said prin-  
 cipal sums, according to the directions of  
 the said acts,† and state how the said prin-  
 cipal sums are invested, and to whom, and  
 on what security placed at interest; and  
 further, that the said trustees report wheth-  
 er the sum of D35,000, which in and by the  
 said last mentioned act is directed to be ap-  
 plied towards the erection of edifices, for the  
 accommodation of students, or any and what  
 part thereof has been received and appro-  
 priated by them to that or any other and  
 what purpose.‡

*Resolved*, That the said trustees also re-  
 port an account of all the real and personal  
 estate now possessed by the college, and of  
 the annual income derived therefrom; and

\*To this the trustees of Union College reply, by ap-  
 pealing to the words of the statute quoted.

†To this the trustees of Union College reply, by ap-  
 pealing to the words of the act referred to.

‡To this the trustees of Union College reply, by ap-  
 pealing to the words of the act.



also an estimate of the annual expenditure and disbursements of the institution, specifying the items.\*

*Resolved*, That the said trustees also report a statement of the sale or exchanges, if any, from time to time made, of the real estate of the said college, an account of the sums realized therefrom, and how the same have been applied or invested, and also of the annual income by them from time to time received, from the proceeds of such sales or exchange, as well as from such of the real estate of the college, as at the time of the yielding of such income remained or now remains unsold.†

*Resolved*, That the said trustees furnish the regents with a catalogue of the classical library, established in pursuance of the acts above mentioned, and an account of the sums annually received from the students, for the use thereof; as also an account of the tuition money annually received since the year 1805, and the appropriation thereof.

*Resolved*, That the said trustees also furnish the regents with a list of the elective trustees, at present existing at the board, setting forth the times of their respective elections.

*Resolved*, That the committee appointed to draft the annual report to the legislature, be instructed to notice therein the effects and operation of the last clause of the act to amend an act, entitled "an act relative to the city of Schenectady," passed February 14th, 1823.

All which is respectfully submitted, by order of the committee.

W. A. DUER, Chairman.

Albany, March 24th, 1823.

Which having been read and considered, was accepted, and the resolutions therein submitted were adopted.

I certify the foregoing to be a true extract from the minutes of the regents.

GIDEON HAWLEY, Secretary."

With respect either to the justness or the generosity of the implied imputations contained in the foregoing communications, relative to the misapplication of funds grant-

ed by the state, though the same have been repelled in the answer that has been returned to the regents, the trustees will not in this place make a single remark. It will be seen from a mere examination of facts, as the same will appear from an inspection of the acts of the legislature, the journals of the assembly, and the annual reports of the trustees of Union College, how far it was due to said trustees, when struggling under the pressure of debts contracted on the faith of the state, the means of paying which debts have been so long and so unexpectedly withheld by a delay of the lotteries, a contingency over which the trustees had no control, and during the withholding of which the institution has been preserved by individual benefactions and individual responsibilities assumed in its behalf: it will be seen from a mere examination of facts, how far it was due to the trustees of Union College, at such a time, and under such circumstances, to impute, even by implication, the abuse of trusts, which seems to be presumed in the precept of the regents with which they have been served, especially at a time when the trustees are about to be charged with additional trusts, springing out of an acceptance of the conditions of the act to limit the continuance of lotteries, passed April 5th, 1822, and when therefore the confidence hitherto placed in them was about to become of increased importance, and which ought not therefore to be impaired, or attempted to be impaired, without some ascertained ground of accusation: it will be seen by the mere inspection of the documents referred to, how far it was due to the trustees of Union College, they do not say to request explanation or information, but to demand *both*, in the style in which *both* have been demanded during the entire term of eighteen years; accompanying the demand with assertions and statements calculated to excite public alarm, and destroy public confidence, and yet the whole of which assertions and statements require no other refutation or correction than will be furnished by a mere comparison of them with the public documents. But, with respect to the law passed at the present session, and which has been accepted by the trustees, it is due to themselves and to the legislature, distinctly to state, that if it be

\* To this the trustees of Union College reply, by appealing to their charter, and to the constitution.

† To this the trustees reply, by referring to the journals of the Assembly for 1814, page 113, near the middle of the same.



true, as the committee of the regents have asserted, that this law, which, after adding the Governor and Lieutenant Governor to the then existing number of trustees ex officio, enacts, that "*the number of trustees not ex officio, shall remain the same in number as they at present exist at such board, and vacancies afterwards accruing therein, be filled up in the same manner as vacancies have heretofore been filled ;*" if it be true, as the committee of the regents say it is, that "*the effect of which is to prevent the possibility of the ex officio trustees ever forming a majority of the board, and to invest in the college the right of election to future vacancies ;*" or rather, if exactly the reverse of this be not true, and if it be not true that but for the passing of this law the state officers would forever have been, on every question, a minority of the whole board ; and if it be not also true, now that this law has passed, that the state officers will forever be a majority of the whole board on the filling up of every vacancy that ever can be filled, then are there existing at said board members unknown to the trustees themselves ; and they would have been greatly obliged to the committee of the regents who have asserted the fact, if they had also stated their names and their number, and when and by whom they were elected.

All which is respectfully submitted, in behalf of the Trustees, by

HENRY YATES, Jun.

Treasurer of Union College.

April 19th, 1823.

No. 232.

In Assembly, April 21, 1823.

REPORT OF THE REGENTS OF THE UNIVERSITY.

(Which report, together with a copy of the following document, which was transmitted therewith, were referred to the committee on Colleges, who were ordered to print such parts as appear necessary to them :)

*At a meeting of Trustees of Union College, held pursuant to adjournment, April 9th, 1823.*

The committee, to whom was referred the communication received from the Regents of the University, animadverting on the late annual report of the Trustees of Union College—RESPECTFULLY REPORT :

That they have given to the same as much consideration, and as full an examination as the length of the document, the variety of

its topics and the shortness of the time would allow.

That the same appears to have been prepared and presented by a committee of three ; two of which committee, though men of talents and learning, were members introduced into that board at no very distant period, and must therefore have been less acquainted with the original objects of that institution, as well as with the usual, established and more antient manner of pursuing those objects, than some of the older members. And that, though they appear to your committee to have misapprehended the nature of the duty imposed on them, they have executed that misapprehended duty with a zeal corresponding to its magnitude, and with as great an accuracy as could have been expected, considering the circumstances under which the report was made, and the very scanty materials actually in their possession.

That this committee did misapprehend the duty imposed on them, your committee is of opinion will be apparent, merely by comparing the words of the first sentence in their report with the words of the law, that gave and defined the object for which it gave them a right either to receive, or to consider, or to report on the document referred to them at all.

The words of the law are, as may be seen in the III<sup>d</sup> section of "an act relative to the University," passed April 5th, 1813, "*And be it further enacted, That it shall and may be lawful to and for the said regents, and they are hereby authorized and required, to visit and inspect all the colleges, academies and schools, which are or may be established in this state, examine into the state and system of education and discipline therein, and make a yearly report thereof to the legislature.*"

The words of the first sentence of the document served on the trustees of Union College, by virtue of this act are—"Your committee conceiving the object of the reference to them to be, an examination of the statements made of the FINANCIAL concerns of the College, have directed their inquiries principally to that subject."

To this misapprehension of the committee of the regents, the trustees of the college have, it is believed, though with very



different views, contributed; for during the period of their embarrassments, it has been usual to superadd to their report of the system of education and discipline pursued in Union College, something relative to its debts and dangers, in the belief that the regents would hear them with sympathy, and in the hope that they might be induced to co-operate for their relief. The younger members heard of these debts, when they entered the board, and they have continued to hear of them, till they have come to think that it was a matter of course, and never suspecting the real motive, have supposed that it was deemed to be the duty of the college to report its debts, and of course the duty of the regents to see that they were reported. And if the debts, why not the persons with whom they were contracted, and the sources from which, perhaps, ere this they might have been paid?

Under this evident misapprehension, the committee of the regents commence their examination; and meeting at the outset with embarrassment in attempting to examine, not into the state and system of education and discipline of said college, as the law (as seems to your committee) directs, but into the financial concerns thereof: and unable to find, from the document before them or from any other documents in their possession, when, or how, or to whom, or to what amount, or even by what authority Union College became indebted, they say, with great propriety, that it would have been more satisfactory if the report of the college had set these things forth; and having alluded to a remark made in the report, of the actual receipts of Union College having been far less than was frequently stated;\* and to a STATEMENT of actual receipts made by the trustees, they add, "*Your committee are not apprised to what particular misrepresentations the trustees allude, but upon referring to a report made by the comptroller to the Assembly on the 15th of*

*February, 1814, when the application of the college for a further endowment was pending in the legislature, and when, if erroneous, the trustees must have been impelled by the strongest motives to contradict its statements, but of which the accuracy seems not then to have been questioned.*"

Without at all questioning the accuracy of the comptroller's report, with regard to appropriations, (which the committee of the regents copy at length, and seem to think the evidence it contains as good for *ultimate receipts* as for *original appropriations*; and that it is not to be questioned now, because the motive was greatest in 1814, for questioning it, when, *it seems* to the committee of the regents, and no doubt truly seems to them, that it was not questioned,) and to recall to the recollection of the regents the existence of facts, which this avowal shows they had lost sight of, was the entire object of the statement made in the report of the trustees of the present year; which has unfortunately only increased the apprehensions it was intended to allay, because the committee have assumed that *it* was not made at the time when in reality it was made. For, having heard more than a year ago, that unkind feelings existed among some members of the regency towards Union College, and that some undefined dissatisfaction had been expressed with respect to the abuse of funds, that required correction; and knowing that this could proceed from nothing but mere misapprehension, as the individuals alluded to were both deemed intelligent and honourable men; to correct the most effectually, and as was meant, the least offensively that misapprehension, the statement of actual receipts from former appropriations made by the state, up to the year 1814, was inserted in the annual report of Union College, made the present year; and the same was taken from the original memorandum appended

tion. It appears from a statement drawn up in 1820, that there then had been appropriated of the public monies, as follows:

To the literature fund, the revenue of which is annually distributed among academies,	D201,489
As special grants to academies,	396,800
As do. for literary purposes,	28,715
To Columbia College,	113,275
To Union College,	418,500
To Hamilton College,	106,800
Total for colleges and academies,	D1,265,579"

\* One of the statements alluded to, and which led to the foregoing remark in the late annual report of the trustees, will be found in the printed documents of the Assembly for 1823, being the close of the report of the Committee on Agriculture, as follows:

"Your committee cannot close this report, without diverting, for a moment, to the uniform and commendable liberality of the state, in endowing seminaries of learning, and in disseminating the blessings of educa-



to the statement of funds required by the committee of the Assembly, while the endowment alluded to was pending, which was presented in connexion with the report of said committee and ratified by the passage of a law, through both houses, in conformity thereunto. From this original document, the statement inserted in the late annual report of the Trustees, was taken; and with which, in point of fact, it will be found to agree, except, that in transcribing reference to one act was inadvertently omitted by the person, who at the instance of the Treasurer of Union College, made out and furnished the same; which omission, however, it would have been obvious to supply, in testing the practical benefits of the Lottery grant in 1805, which is the only particular, concerning which, there is any variance of opinion.\*

\* The document referred to by the Trustees in their report, will be found in the journals of Assembly for 1814, page 118, and is in the following words, viz :

"Memorandum of all the benefactions made to Union College by the Legislature of the state of New-York, from the time of the incorporation of said institution, to the present day; together with references to the year in which the several acts were passed.

1.—An act, passed 9th April, 1795, granting to the trustees of Union College, D3,750 for the purchase of library and apparatus.

2.—An act, passed April 11th, 1796, granting D10,000 towards defraying the expenses of building the former College.

3.—An act, passed March 30th, 1797, granting D750 to support a professor during two successive years; which grants being immediately absorbed in procuring instruction and accommodation for youth, created no permanent and productive fund for the institution.

4.—An act, passed 7th March, 1800, granting ten military lots of 550 acres each; and also, authorising the trustees to loan ten thousand dollars on the faith of the state, for ten years.

5.—Finally, an act, passed March 30th, 1805, granting four successive lotteries, which lotteries (after deducting the ten thousand dollars set apart as a charity fund: and after deducting the interest accruing on the anticipation of this nominal amount, before the same was received by the trustees of Union College) have produced to the institution a nett amount of less than D45,000; which sum of forty-five thousand dollars, was the amount intended to be provided for by the legislature, and is about the amount actually realized by the trustees.

During the last nine years, that is, since the year 1805, no petition has been preferred to the legislature, by the trustees of Union College, for any further donation, nor has any donation, within that time been made to them.

The acts, above referred to, comprehend the whole amount of the bounty bestowed by the legislature of this state upon Union College, during a period of twenty-one years, and since the time of its incorporation; which sum, had it been granted, and could it have been realized at an early period after its charter was obtained, would have placed the institution in a very different situation."

Had not the committee been under the misapprehension already alluded to, and supposed that because in their own archives, filled with *Courses of Study* and *Systems of Discipline*, no documents were found concerning *Dollars and Cents* derived from lotteries, that none existed elsewhere, they certainly never would have attempted, in 1823, by reasoning on the construction of a law revised in 1813, to disprove a question of fact, which, being then contingent, was not and could not, till a year thereafter, be brought to any issue.

Carrying forward the difficulty, springing out of the grant of 1805, the next difficulty that meets them, is the still more munificent grant of 1814, and having summed up the amount and being unable to see how, so many years after so splendid a benefaction, the college should still be indebted, they feel returning, and with increased intenseness, their anxiety for further information. Nor is it strange, when examining a subject that, as seems to your committee, lay not within their province, that they should at every step have felt this. And yet, had it occurred to them only to open the Journal of the House where they held their sittings, they would have found spread out before them, the very document they were in quest of. And which document will still be found in the Journals of the Assembly for Feb. 12th, 1814, commencing at the bottom of page 116, and ending at the bottom of page 118.

Had the committee of the regents chanced to meet with this document, and merely discovered therefrom that the debt of Union College in 1814, (and while the endowment they were discussing was pending) actually amounted to \$59,814; all the circumstances of which debt, and the reason of its existence, were fully detailed and explained in the report of the committee of the Assembly. And that no provision having been previously made for the payment of \$30,000 of this debt, an appropriation to that amount, and for that express purpose, was made in the act instituting a lottery for the promotion of literature then pending before the legislature.

And had the committee of the regents also adverted to the fact, that in addition to this debt of \$59,814, at that time existing,



further debt of \$100,000 was authorized to be contracted under the very act whose appropriations they are summing up—Had the committee of the regents considered these obvious facts, it is believed that they would not have been satisfied with either their own mode of expression or the relevancy of their arguments when they say *“of this sum of \$284,000, including interest for six years, it appears by a statement furnished your committee by the comptroller, that the trustees of Union College had received to the 18th day of December last, \$61,246 44. The debt contracted by them in erecting the present college edifices remains, nevertheless, unpaid, on account, it seems, of the failure of lotteries.”* Especially had it been further considered, that of this \$61,246 44, (which the committee of the regents have truly stated,) \$15,311 81 was interest springing out of the \$50,000 appropriated to the charity fund for indigent youth, and must therefore of right be and actually has been paid out to indigent youth: and further, that \$6,124 64 was interest springing out of \$20,000 appropriated to the library and apparatus fund, and therefore has been or must hereafter be applied to these objects, and that \$30,623 22, was interest springing out of the appropriation made for the finishing of buildings then begun, and buildings since begun and finished and must therefore be applied to these objects. And by a mere inspection of the act of 1814, it should seem to your committee that this might have been charitably presumed. For unless the trustees had forborne to distribute that bounty which a wise and beneficent legislature had provided for indigent students, and unless they had also withheld from all the members of the institution those increased facilities of education which the same legislature provided for furnishing and commanded to be furnished; unless the trustees had done this, which surely ought not to have been presumed, without proof, when they had not and could not have received, since the year 1814, any more than \$9,187 17, being the interest springing out of the appropriation of D30,000 made for the payment of debts that could be applied to that purpose; which amount of interest, received on that appropriation is D9,712 3 less than the interest that has in the

mean time actually accrued on the original debt of D30,000, as it stood in 1814, and for the payment of which debt, the D30,000 granted in said act, was appropriated.—Now, when this is duly considered, and the evidence of its truth is all contained in the public documents referred to, your committee apprehend that they shall be pardoned for thinking, that the committee of the regents will feel, that after saying in their report, *“Your committee agree with the trustees, that they are neither responsible for that failure, (the failure of the lotteries) nor censurable for incurring the debt;”* they might without any unfaithfulness foreborne to add with reference to the D61,246 44, of which they had previously spoken, as having been received since 1814, up to December last, *“that it would nevertheless”* have been more satisfactory if they (the trustees) *“had explained whether the whole or any part of the same, received by them under the appropriation of 1814, has been applied to its reduction. Upon this point, in addition to the particulars enumerated in the former part of this report, your committee cannot but believe the regents, when they consider the magnitude of the interests involved in the inquiry, and their own responsibility as visitors of the college, will require further information.”*

Nor can your committee persuade themselves, great as the responsibility of the committee of the regents undoubtedly is, that they would have at all compromised that responsibility, or given any just grounds for charging them with having done so, even though they had forborne to add—*“That upon the judicious and faithful application of funds, which have been so munificently appropriated by the legislature, to the support of public education, depends not only the success and usefulness, but the very existence of the institutions confided to the general superintendence of this board.”*

The next thing that deserves notice in this connexion, is the specific resolutions to which the discussion of the committee of Regents tends, and in which it terminates. In adverting to these resolutions, your committee should not feel as if they had discharged the duty they owed to the institution, to the public, or to themselves, as the subjects only of a government of laws, and



as citizens of a free and independent state, if they did not, respectfully, *but distinctly* state, with reference to the precept served on the trustees, that in their own deliberate judgment, each and every one of the six mandatory resolutions, and each and every one of the forty separate requisitions contained therein, are demands made not merely without law, but in every instance, so far as they can perceive, either against express law, or against that higher law, the constitution of the state, under which it is our happiness that even legislative statutes must not only be enacted, but administered also.—The 1st resolution of the committee of the regents is in these words:

I. "*Resolved, That the trustees of Union College be, and they are hereby required, on or before the 14th day of April next, to report to the regents the amount of the debt due by them, distinguishing the principal sum from interest, accruing thereon, and particularising the time or times when, the persons with whom, and the purposes for which the same was contracted, and also the periods at which the several sums of principal and interest are payable, and whether the same, or any part, is secured by any and what pledge of the property or funds of the college.*"

Could your committee persuade themselves, after reading the documents submitted to them, that the regents were at length about to interest themselves in the financial affairs of Union College, and that they were purposing either to pay any portion of the debts in question, or to assume any responsibility for their future payment, most cheerfully would they recommend the furnishing of the report in question. But as this is not apparent, and as no debt has ever been contracted with the regents, or by their authority; but in every instance by the express authority of the state, and either with the state itself, or with individuals living under the protection of its government, your committee cannot perceive, that the committee of the regents had the authority to require, or that it is the duty of the trustees to furnish, such a statement.—The 2d resolution is in these words:

II. "*Resolved, That the said trustees be, and they are hereby required to 'exhibit a just, true and circumstantial account, in relation*

*to the disposition and application of the annual interest of the sum of D35,000, which by the act for the endowment of Union College, passed March 30th, 1805, by the act relating to the different colleges within this state, passed April 9th, 1813, is directed to be applied solely and exclusively to the support of professorships,' as also the annual interest of the sum of D10,000, which by the act last mentioned, is directed to be applied one half thereof in establishing and maintaining a classical library, and the other half towards defraying the expenses of indigent students; and that the said account in relation to the interest, be made up from the time of the investment of the said principal sums, according to the directions of the said acts, and state how the said principal sums are invested, and to whom, and on what security placed at interest; and further, that the said trustees report whether the sum of D35,000, which in and by the said last mentioned act, is directed to be applied towards the erection of edifices, for the accommodation of students, or any and what part thereof has been received and appropriated by them to that or any other and what purpose."*

On reading this resolution, the question presents itself—Why did the committee of the regents group together these three grants, which are kept distinct in the original act of March 30th, 1805; and why having so grouped them, do they require, apparently under the provisions of that act, a detailed report concerning *each* item granted, when the statute, whose words they have in part quoted, confines the report it requires, with the most marked precision, to *one* item only, which item it distinctly specifies? (*See note O. sec. ix. p. 19.*) Again why have they transposed the order in which these several grants stood in the act of March 30th, 1805, and placed the D35,000, appropriated to the erection of buildings last, requiring a detailed report thereon, when the act placed it first in the order of the appropriations, and required no report thereon. (*See note O. sec. vii. p. 19.*) And why have they placed the charity fund stated by the committee to be D10,000, second in the order of their arrangement and required a detailed report thereon, when the same law of March 30th, 1805, placed



last in order of appropriations, termed it a *residue*, and required no report concerning the same.—(See note O. sec. x.) This is not the order of the original act: it is not the order in which even the Revised act relating to the different colleges, passed April 9th, 1813, presents these grants.—(See note R. sec. xi. xii.) And had it been, it was the original act that must have determined and governed the duty and the responsibility of the trustees of College, springing out of their acceptance of its conditions.

But waving further remarks on this arrangement of the grants made in 1805, and which creates much of the difficulty which is required to be solved; did this committee, in penning this resolution, and when quoting from a public law, the words of which, as they exist in the Statute Book, are, "*And the said Trustees shall annually exhibit to THE LEGISLATURE (See note O. sec. ix. and note R. sec. xi.) a just true and circumstantial account of their proceedings in relation to the disposition and application of the interest that shall accrue from*

NOTE O.—"*An act for the endowment of Union College, passed March 30, 1805.*"

"VII. *And be it further enacted, That it shall and may be lawful for the said trustees, to apply a sum not exceeding thirty-five thousand dollars of the said monies, so by them to be received, towards the erection of such additional edifices, for the accommodation of the students in the said college, as they shall deem proper.*"

VIII. *And be it further enacted, That the said trustees shall, and they are hereby directed and required to cause the sum of thirty-five thousand dollars, as soon as may be after the same shall be received, to be placed at interest on approved landed security, or to be invested in public stock, in such manner as they, the said trustees, by and with the consent and approbation of the person administering the government of this state, for the time being, or the chancellor of this state, for the time being, to be signified in writing, under their hands, shall think fit, so as that the interest thereof shall be payable annually.*

IX. *And be it further enacted, That the annual income which shall accrue from the said sum of thirty-five thousand dollars, shall for ever hereafter be applied solely and exclusively for the support of such professorships as are or may be instituted in the said college; and that it shall not be lawful for the said trustees or their successors, at any time, for ever hereafter, to lessen the said principal sum of thirty-five thousand dollars, or to appropriate the same or any part thereof to or for any use or purpose whatsoever; and the said trustees shall ANNUALLY EXHIBIT TO THE LEGISLATURE a just, true and circumstantial account of their proceedings, in relation to the disposition and application of the interest that shall accrue from the said principal sum of thirty-five thousand dollars, and how the said principal sum is invested, or to whom, and on what security placed at interest.*

X. *And be it further enacted, That the said trustees shall, and they are hereby required to cause the RESIDUE of the monies arising from said lotteries, to be invested in the same manner as aforesaid, on the same conditions and under the same restrictions; one half of the avails of which to be laid out by the trustees in establishing and maintaining for ever a classical library, from which library all the students in the seminary shall be furnished with the books which they are required to study, subject to such regulations as the board of trustees shall prescribe, paying for the use of the same one dollar and fifty cents per quarter.*

XI. *And be it further enacted, That all indigent students, who shall make it appear to the faculty of the college, that they are embarrassed for want of pecuniary resources, shall, during good behavior, be fur-*

[This note concluded on next page.]

NOTE R.—"*An Act relating to the different Colleges within this State, passed April 9, 1813.*"

"XI. *And be it further enacted, That the sum of thirty-five thousand dollars, heretofore paid to the trustees of the said college out of the avails of certain lotteries, shall be and remain at interest, payable annually, on approved landed security, or shall be invested in public stock, in such manner as the trustees of the said college, from time to time, by and with the consent, in writing, of the person administering the government of this state, or the chancellor thereof, shall direct and prescribe; and the annual income of such sum shall for ever hereafter be solely and exclusively applied for the support of such professorships as are or may be instituted in the said college; and that it shall not be lawful for the said trustees or their successors, at any time hereafter, to lessen the said principal sum of thirty-five thousand dollars, or to appropriate the same, or any part thereof, to or for any use or purpose whatsoever; and the said trustees shall annually EXHIBIT TO THE LEGISLATURE a just, true and circumstantial account of their proceedings in relation to the disposition and application of the interest that shall accrue from the said principal sum of thirty-five thousand dollars, and how the said principal sum is invested, or to whom, and on what security, placed at interest.*

XII. *And be it further enacted, That thirty-five thousand dollars, also paid, or to be paid, to the trustees, out of the avails of certain lotteries, shall be applied towards the erection of such additional edifices for the accommodation of the students in the said college, as they shall deem proper; and ten thousand dollars, also paid, or to be paid, the said trustees, out of the avails of certain lotteries, shall be invested or put out at interest, in the manner declared in the preceding section, one half of the income whereof to be laid out by the said trustees in establishing and maintaining for ever a classical library, from which library all the students in the seminary shall be furnished with the books which they are required to study, subject to such regulations as the board of trustees shall prescribe, paying for the use of the same one dollar and fifty cents per quarter: And further, All indigent students, who shall make it appear to the faculty of the college that they are embarrassed for want of pecuniary resources, shall during good behavior, be furnished, free of expense, with the books necessary for pursuing their education: And further, The remaining half of the income of the said ten thousand dollars shall forever be appropriated towards defraying the expenses of such indigent scholars as may be, from time to time, pursuing their education in said seminary."*



the said principal sum of \$35,000, and how the said principal sum is invested, or to whom, and on what security placed at interest;" and which \$35,000 is the only sum concerning which the trustees are required to report any thing at all, either in the original act of 1805, or in the act revised in 1813: did this committee themselves understand, or did they mean by the arrangement and phraseology they have adopted to cause it to be understood by the college they were addressing, that the Regents of the University were the Legislature of the state of New-York, and that to the regents the "exhibit" specified in the act they quote was to be made; and therefore, that the trustees of Union College be and are required by a resolution of the regents to make the same on or before the 14th day of April; and that too at the very time when a different body, and which your committee believe to be the real Legislature, intended by the act quoted, is actually in session, and in the full exercise of its sovereignty, holding its daily sitting in the very house where, it is believed, during its recess, the regents meet?

But though your committee were to wave the main question at issue, and to admit according to the construction that seems to have been adopted by their committee, that the regents themselves are the legislature, and that to "exhibit to the Legislature," in the words of the act they have quoted, means to "exhibit to the Regents," still such is the method the committee of the regents have adopted of grouping together distinct appropriations in the same resolution, and then requiring *all that* to be reported with respect to *more than one* item in the group, which the law had required to be reported with respect to *one item only*; and then requiring in addition much to be reported with respect to *all the items* so grouped, which the existing law does not require to be reported concerning *any one of them*, the same to be done according to *law*, for the doing of which, in the manner and form required, there is not, so far as

nished, free of expense, with the books necessary for pursuing their education.

XII. And be it further enacted, That the remaining half of the avails of the residue above mentioned, shall be for ever appropriated towards defraying the expenses of such indigent scholars as may be, from time to time, pursuing their education in said seminary."

your committee can see, any law at all; such is the method the committee of the regents have adopted in these respects, that (though your committee were convinced that the Regents of the University were the Legislature of the State of New-York) they should be at a loss how to make out, in any given longer time, such a report, as is required to be furnished, by the 14th instant.

And though the regents were the legislature, why should they require a report (so far as the manner of investment is concerned) in the terms of the original act of 1805, when before a cent of the appropriation contained therein was received,

"An act authorizing the Trustees of Union College to invest the monies heretofore granted to them by this state in the capital stock of the Mohawk Bank," was "passed February 22, 1811," recognizing specifically this and every other permanent appropriation. (B) And surely, when four Professors were named in the last report of

(B.)—The words of said Act, passed February 22, 1811, are—"Whereas the legislature by laws heretofore passed have made provision for the support of indigent students, as well as for the establishment of a classical library and the maintenance of professors in Union College: Therefore,

Be it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of said college to subscribe the monies, arising from grants heretofore made to them, in the capital stock of the Mohawk bank, provided the consent of the directors of said bank can be obtained; in which case the capital stock of the said bank shall be and hereby is increased to the amount in value of the shares so subscribed by the trustees of Union College."

In conformity to the foregoing act, the trustees of Union College reported as follows:

"The Annual Report of the Trustees of Union College, for the year 1813, to the Legislature of the state of New-York, made in conformity to the 9th, 10th and 11th sections of the act, entitled "an act for the endowment of Union College," passed March 30th, 1805.

"I. That a classical Library has been instituted, from which indigent students receive their books gratis; besides which, fifteen indigent students have, during the last year, been furnished with pecuniary aid, in the prosecution of their education, from the small fund instituted by the legislature for that purpose. This fund amounts to ten thousand dollars, the whole of which will, during the present year, be invested in the capital stock of the Mohawk Bank. This investiture will probably enable the trustees to carry still further into effect the charitable views of the legislature, as it will render that fund more productive than they could otherwise have been able to render it. The trustees find that they cannot invest this fund, by purchasing stock in other banks, without paying from ten to twenty-five per cent. advance—Whereas, the directors of the Mohawk bank have consented, in conformity to a law of the state, passed 1811, that this fund, as well as the



the college, as supported in the institution, and when an equal number have been named for many years in similar reports, together with a President and Tutors, there could not exist any just ground for apprehension, that the income of this \$35,000 set apart for the support of Professors had not been duly applied to that object.

With respect to the *D10,000* next spoken of and to be invested in the manner already stated, the *one half* of the avails to the establishment of a classical library, and the *other half* to the relief of indigent students, and which is grouped in connexion with and next to the *D35,000* for the support of Professors already noticed; with respect to this *D10,000* concerning which the committee of the regents have required the trustees to report *so much*, your committee have yet to learn that there exists any law requiring them to report *any thing* concerning it at all.—(See note O. sec. x. p. 19.) And if it were, to the Regents and not to the Legislature that the act of 1805 made it their duty to report, to be required to make out at this time such a report concerning this *D10,000* as the committee of the regents have now required, might justly be deemed oppressive, because, in the contemplation of law, no such *D10,000* exists. Had the committee taken their statement from the original act, they would have perceived that it does not name *D10,000* or any other definite sum, at all; that it only requires the trustees, having applied the two preceding appropriations, to cause the RESIDUE of the monies arising from said Lotteries, to be vested in the same manner as aforesaid." And it does not direct any thing with respect to any report thereon. But a clause was attached to the Supply Bill of 1806, which the committee of the regents have examined, and which, by their own showing, took *D4,808* other funds belonging to the institution, be subscribed to the capital stock of that bank.

II. The thirty-five thousand dollars, appropriated to the permanent support of officers, arising from the lotteries heretofore granted to Union College have been and continue invested, according to law, in the capital stock of the Mohawk bank. This investiture has been made in conformity to the same law of 1811, and upon terms equally advantageous to the institution."—See *Journal of Assembly for 1813. page 131.*

Under this same act of 1811, the Trustees have reported annually to the legislature—and under it they had reported this very year, and nearly a month before the Regents issued their Mandamus.—(See *Annual Report, page 3d.*)

22 cents out of this very *D80,000* of which the *D10,000* in question is said to be a part, and placed it, as they affirm on the authority of the annual report of the comptroller for the year 1812, in the Treasury of the state. (See last sentence but one of page 10.) So that if nothing more had been taken from the original *D80,000*, and there might have been, justifiably, so far as the erection of buildings was concerned, as the committee have admitted, (See last sentence of p. 10,) and as there actually was, and placed too in the Treasury of the state itself; but if there had not, it requires no calculation to show, that after taking from the *D80,000* in question, *D35,000* for the support of the officers, which they have just required the trustees to account for, and *D35,000* more for buildings, for which, in the very next sentence, the trustees are called upon to account; and after taking from it also the *D4,808 22* which the committee show was paid into the Treasury, and which sums amount almost to *D75,000*, (to say nothing of the further reduction of the original appropriation by other interest which the committee admit was justifiable,) to be required to take *D74,808 22* out of *D80,000*, and to show a "residue" of *D10,000* left to be accounted for with interest for so many years, would be justly deemed oppressive: especially as the trustees have long since accounted to the legislature, for all the money they ever did receive under this act.

But though the trustees never did receive \$10,000, under the act of 1805, to invest for this purpose; and though, if they had, there never did exist any law requiring them to report concerning it; still the appropriation was, in their opinion, so wise and so benevolent, and fell in so fully with their own views, with respect to the advantages to be derived to the state, by bringing the means of education within the reach of youth of talents, but oppressed with poverty; that they did invest the full sum of \$10,000 for this purpose, and they have, of their own mere motion, from year to year reported, and felt a pleasure in reporting thereon to the legislature of the state of New-York. (See note B. p. 20—1.)

Now, when it is considered that the sum of \$45,000, was the actual sum that the trustees of Union College calculated they



should require, to enable them to accomplish the objects set forth in their memorial to the legislature of 1805; and when it is considered that the *preamble* to the grant, (which makes these several appropriations here grouped together) is in the following words, to wit: "*An act for the endowment of Union College, passed March 30th, 1805. Whereas the trustees of Union College have, by their petition presented to the legislature, represented that a plan of education and government, has been lately adopted in the said college, different from that which was originally intended, and which in its consequences, affords the most flattering prospect of extensive and permanent usefulness; that such a plan will unavoidably require the erection of additional buildings, and an increased number of professors, but that the present funds of the said college are wholly inadequate. And whereas it appears to the legislature, that by a liberal endowment of seminaries of learning, science and literature, the surest basis of the liberty, prosperity and happiness of the people, will be promoted—Therefore,*" &c.

And when it is further considered, that the committee of the Assembly, to whom was referred the memorial of Union College, for a further endowment in 1814, did then estimate the actual benefit received from the grant of \$80,000, made by lottery March 30th, 1805, to Union College, in the same manner as the trustees estimate it at about \$45,000, (*see note p. 16—5*) and that the legislature passed the act making the further grant of that year, in conformity to the estimation of that committee.—When this is considered, will the committee of the regents, feel that it was due to the trustees of Union College, (because they say in their report, for the last year, "*That to prevent misrepresentation, it may not be improper to remark, that in the statements frequently made, of legislative grants to Colleges, a gross amount is stated to have been appropriated to Union College, which is far beyond what they have ACTUALLY RECEIVED;*") to treat their statement as though it were a misrepresentation, got up at the moment, and to serve a particular purpose? When, if the appropriation of 1805, was not nominally increased to \$80,000, for the pur-

pose of covering the interest on expenses to be immediately incurred, the trustees adopted this interpretation for the first time; not as the committee of the regents seem to apprehend, in the year 1823—not even in the year 1814, to which they refer—but certainly as far back as the year 1806; a period quite too early for them to profit by this interpretation. At the time the grant was pending, there was but one professor in the institution: nor had the trustees the means for the supporting of any more; nor had they the means for erecting buildings; but this grant having been made, the trustees did, as soon thereafter as the year 1806, borrow money from the state, in anticipation of this grant, for the erection of buildings: and as early as July, 1806, they did institute three additional Professorships on the faith of this grant, and did report the same, with the names of the incumbents.

And even previous to this, they procured and furnished books for the use of indigent students; and also gave pecuniary aid to such students, to the full amount of the interest on the benevolent appropriation intended for that purpose: all which has been reported to the legislature.

And the committee of the Assembly, to whom was referred the memorial of Union College, for a further endowment, in 1814, as will be seen by referring to their report, not only recognize this fact with approbation, but speak of their own personal knowledge of the benefits which had at that time resulted to community, from the practical construction which the trustees, from the beginning, had put upon the law of 1805, so far at least as respects this appropriation.—(*See Journal of Assembly, 1814, p. 115.*)

And yet the committee of the regents appear, to your committee, to be unwilling to admit that this construction was, or could be rightfully, put upon the law making this grant, when all the public acts, both of the legislature which appropriated, and the trustees who applied the appropriation, during seventeen years, show that this was the uniform understanding of both parties: and they also appear to be unwilling even to admit that this has been, in *truth and reality*, the case.

Hence after arguing the question, a length, they say, "*AT ALL EVENTS, IT IS*"



\*INCUMBENT UPON THE TRUSTEES, TO SHOW  
 \*WHAT DISPOSITION THEY MADE OF IT.—  
 \*THAT IT WAS NOT APPLIED TO THE PAY-  
 \*MENT OF ANTECEDENT DEBTS, APPEARS  
 \*FROM THE ANNUAL REPORT OF THE TRUS-  
 \*TEES TO THE LEGISLATURE FOR 1813,  
*wherein it is stated that the institution was  
 still in debt, to the amount of several thou-  
 sand dollars.*" (See p. 11.)

But why should this apprehension of a  
 misstatement by the trustees, be so readily  
 adopted or pushed so far? Or, why should  
 such an unkind inference be so unhesitat-  
 ingly, though certainly not very conse-  
 quentially, drawn from the single report of  
 1813? Or, why was *the year* 1813, selected  
 at all, as affording data for such an infer-  
 ence?

The committee of the regents had shown,  
 that the avails of the first moneys, aris-  
 ing from this lottery, were paid into the  
 Treasury of the state: and that they found  
 the evidence of this payment in the annual  
 report of the comptroller for the year 1812.  
 (See p. 10. last sentence but one.)

Now the report of the trustees of 1813, is  
 their report for the year preceding. And  
 because the trustees were in debt when they  
 made their report in the year 1813, does it  
 follow, that they never had previously been  
 any more in debt, and consequently, that  
 nothing had been ever paid, out of the a-  
 vails of that lottery, to reduce their debt?  
 Especially does it follow that they never  
 did, thereafter, pay any thing out of said a-  
 vails, towards the reduction thereof? The  
 inference does not appear conclusive in  
 point of form, as it certainly is not in point  
 of fact.

Had the committee of the regents extend-  
 ed their researches to the report of the trus-  
 tees for 1814, they would have found that  
 it was distinctly stated, that in the payment  
 of these debts, the entire avails of one class  
 of this lottery was sunk, amount-  
 ing to\*

*D*20,000

They have themselves shown,  
 that out of the first class, there  
 was sunk by the payment of in-  
 terest to the state, several sums,  
 amounting to—(See page 10)—

4,808 22

Making, *D*24,808 22

\* "Debts owing by the Trustees of Union College.  
 Money loaned and expended on their

And had they examined still further, at  
 the comptroller's office, they would have  
 found that *D*540 had been paid, or accrued  
 on a loan procured in 1808, under an act  
 of the state passed for that purpose.

Whether the construction now given by  
 the trustees of Union College, to the act of  
 March 30th, 1805, be the correct construc-  
 tion or not, it is the construction that has  
 been given from the beginning, and a con-  
 struction from which the public have deriv-  
 ed all the benefit, and the college suffered  
 all the injury.

For by assuming that it was intended,  
 that the buildings and the professors, and  
 the relief for indigent youth, (ultimately to  
 be provided for by this act) were to be im-  
 mediately furnished, the trustees of Union  
 College, *practically*, sustained a loss by  
 furnishing the same, *in anticipation*, equal  
 to the interest on the several appropriations  
 during the time they were severally with-  
 held. Under such circumstances, *D*45,000  
 paid in 1805, had been of more value than

unfinished edifices and sites, as near as the same can be ascertained,	\$44,000
II. Monies loaned at different times, for the payment of Professors, and other debts created by the erection of their former buildings; which debts are now consolidated in an obligation, payable at the bank, amounting to	14,000
III. Amount borrowed from the School- fund, with interest on the same,	1,590
IV. Besides which, and after deducting the amount of the debts, the discharge of which is now provided for by the avails of the last lottery, which has just been received, and by other sums receivable on con- tracts, held by the trustees, there will remain a balance of debts, due to indivi- duals, including some unaudited ac- counts, as far as the same can be ascer- tained, amounting to	224
V. Amount of debts owing by the trustees, besides those the payment of which is pro- vided for, by the last lottery, &c.	59,814
If, from the foregoing amount of produc- tive funds, there be deducted the a- mount of debts, stated above, there will remain a balance of that description of property in favour of the institution, amounting to about*	\$29,685 46

All which is respectfully submitted.

HENRY YATES, JUN. Treas'r. of U. College.  
 Albany, February 4th, 1814.

\* Let it be observed, that the bonds and mortgages a-  
 rising from the sale of western lands, as well as the a-  
 mount invested in bank-stock, are a permanent fund  
 over which the trustees have no control—so that a debt of  
 above \$30,000 has been already contracted; for the pay-  
 ment of which no provision is made."—(See Journal of  
 Assembly for 1814, page 117.)



\$80,000 in 1814. The trustees might have indeed prevented this loss of interest which they sustained; but they could only have prevented it, by withholding from the public all the advantages promised, during the nine years the appropriations were withheld, after being granted for the procurement of those advantages; and though this might, perhaps, have been done without the violation of law, it could not have been done by the trustees, (they having pledged themselves to the contrary to the public) without the violation of veracity and honor.

—The third resolution is as follows:

III. "*Resolved, That the said trustees also report an account of all the real and personal estate now possessed by the said college, and of the annual income derived therefrom; as also an estimate of the annual expenditure and disbursements of the institution, specifying the items.*"

It is not pretended with respect to this brief and comprehensive resolution, that the committee of the regents have assumed the prerogatives of the legislature; but it is believed that they have transcended them: for there is nothing in the Charter of the college, that requires the trustees to do this; there was not any thing in the statute book of the state, when they received their charter, that required it: and the constitution of the state and of the United States recognizes the sacredness of chartered rights, and guarantees them against even the violation of *ex post facto laws*; which cannot, therefore, by any construction, be brought to bear upon them, till not the Constitution only, but the liberties of the Country also have ceased to exist.—

And though the trustees of Union College can surely have no very great objection to the particulars in question being known to the regents, since they have several times not only made out, but printed with somewhat less minute detail such a statement; and it is believed more than once transmitted the same, if not to the regents, to the legislature itself; still, that such a requisition should have been *authoritatively* and *formally* made, in a *free state*, and under a republican government, by a *committee* of a corporate body possessing only specific powers, given, defined and limited, by the very statute that gave them being, would,

if the trustees of Union College had not been served with the document that contains the requisition, have been deemed incredible.

The 4th resolution is as follows:

IV. "*Resolved, That the said trustees also report a statement of the sale or exchanges, if any, from time to time made, of the real estate of the said college, an account of the sums realized therefrom, and how the same have been applied or invested, and also of the annual income by them from time to time received, from the proceeds of such sales or exchange, as well as from such of the real estate of the college, as at the time of the yielding of such income remained or now remains unsold.*"

Considering the remarks made with reference to the preceding resolution of the committee, equally applicable to this resolution, your committee will only add—that they never before even suspected that contracts concerning the purchase or sale, or exchange of real estate made by colleges, were required to be reported to the regents, or that they had any *right* in, or any *control* over, or even any *wish* to know any thing concerning these subjects: and hence without even suspecting that they would be called on by a committee of the regents, for information relating thereunto, they reported the whole subject matter of this exchange of real estate, to the legislature of the state of New-York, eleven years ago.—(See *Assembly Journal*, 1814, p. 113.)

And all the proceeds of this exchange, were reported to the legislature nine years ago: and of the residue, not exchanged, there had not been then, nor has there been since any proceeds to be reported.—(See *Journal of Assembly for 1814*, p. 117.)

Vth. Resolution—"Resolved, That the said trustees furnish the regents with a catalogue of the classical library, established in pursuance of the acts above mentioned, and an account of the sums annually received from the students, for the use thereof; as also an account of the tuition money annually received since the year 1805, and the appropriation thereof."

As an act of respect, this surely had long since been done, so far as respects the catalogue, had it been known that it was desired. But when it is *commanded* to be done



by a *given* day, and in a *specified* manner, the question returns, by what *authority* is this commanded? Or, if there exists authority to require *the catalogue*, why not *the books* which it contains? Or, if authority to require a statement of the *tuition money*, why not the *money itself*? Or, what assurance (your committee speak merely for argument, and with reference to the effect of the principle assumed, and without meaning the slightest imputation) what *assurance* have the trustees that such will not be the *next* requisition? Not surely that there is *no law* for it, for neither, as far as your committee are aware, is *there any law* for this, nor for *any one* of the whole preceding *thirty-eight* requisitions; nor for the *two* remaining requisitions, which immediately follow.

VI. "*Resolved, That the said trustees also furnish the regents with a list of the elective trustees, at present existing at the board, setting forth the times of their respective elections.*"

The law, not by virtue of which these two last requisitions were made, but the law which it is presumed gave rise to them, is in the following words:—(See *first document printed, page 3d.*)

And yet without making any inquiry whether the trustees of Union College had accepted or proposed to accept the proffer made them by a wise, enlightened and provident legislature, the committee of the regents, after having spread their comprehensive requisitions over every species and description of property, both personal and real, permanent and contingent, belonging to the trustees, and called them to account for their financial transactions during the entire period of eighteen years, at last seem to your committee to attempt to invade their private records, and even to compel the trustees themselves, to become the humble instruments of turning over, in obedience to a committee of the regents, those pages, and of tracing back their succession, and noticing the times of their individual creation, till they have arrived at their ORIGINAL CHARTER, and picked out, even from that *once sacred instrument*, the few remaining names, inserted therein, of those whom death has spared, till the instrument itself has ceased to be significant, or any longer

either a guarantee of rights or even an emblem of sovereignty.

Having now considered, in detail, and with as much brevity as the number and variety of the subjects comprehended would admit, each of these six mandatory resolutions, drawn up by a committee of the regents, and served on the trustees; it may seem superfluous to add, that it is the solemn conviction of your committee, that the committee of the regents, (inadvertently they doubt not) but nevertheless *really and practically* have committed a serious *offence* against a public institution, which, numerous as its errors may have been, still has rights that ought to have been respected.

And now that nine years have elapsed since the *last grant*,\* and eighteen years since the *first grant* was made, on which the committee were commenting; and on the faith of which grants, those professors have been supported—that library provided—that chemical and philosophical apparatus (inferior to none in America, it is believed) furnished; and on the faith of which grants, the very ample site has been purchased and the entire buildings erected, in which a majority of the youth of the state, that are pursuing a collegiate education, are and have been, from the time the appropriations were made, enjoying all the benefits and advantages those appropriations were intended to furnish—(not excepting the poor man's son of promise, taken from their obscurity and educated free of expense, and returned to their country and their friends, prepared in either of the professions, for an equal and an honorable competition with sons of the wealthiest citizens, who had from their infancy, been cradled in affluence): and now that these eighteen years have elapsed, especially the last nine, from the date of the very munificent appropriation, which the committee have summed up with accuracy at *D200,000*, exclusive of interest, and about which they have shown a laudable zeal for the application thereof: and now that it has been shown, arithmetically, to say nothing of the diminished value of the former grant by delay; that not one cent of this munificent appropriation, all which was intended to have been paid in six years, has even yet been received, and



a part only of the six years interest allowed thereon, and less even of interest, *not otherwise appropriated* in the act itself, than the interest that has, in the mean time, accrued on their antecedent debt;\* now that these facts have been shown, and when it does not even need showing that the trustees of Union College for this length of time, and amid all these discouragements, and during a period of the most unexampled peril and distress throughout the country, have still continued, by successive loans, by individual advances, and by their own responsibility, to sustain the credit of the institution, and to prevent hitherto the sacrifice of any of its property; and when neither does it need showing, that during the whole period that the prospective lottery avails of one year after another have only mocked those hopes of relief they had excited; that the trustees of Union College have, at the close of each unproductive

\* When the above is considered, and when it is further considered that subsequent to the passing of the act of 1814, instituting a lottery for the promotion of literature, and which authorized the contracting of additional debts, and encouraged the hope of the same being paid with interest thereon in six years, out of the sums so munificently appropriated; and when it is also considered

That "An act passed, March 31st, 1817, authorizing the application of \$10,000 to be paid out of the avails of the lottery for the promotion of literature towards improving the Ferry from Hudson to Athens;"

That "An act passed, April 10th, 1817, authorizing the citizens of this state to purchase, sell and dispose of the tickets in a lottery instituted by the state of New-Jersey, the law of this state to the contrary notwithstanding, which act during its continuance greatly impeded the progress of the lotteries instituted by this state;"

That "An act passed, April 10th, 1818, transferring the surplus avails of the 5th class of the Medical Science lottery, together with the claims against said lottery, to the lottery for the promotion of literature, which 5th class of the Medical Science lottery, though the largest ever drawn in this state, almost entirely failed, and no avails therefrom were ever transferred to the literature lottery; (See an act concerning lotteries, passed April 13, 1819, sect. 40.)

That "An act passed, April 21st, 1818, authorizing the drawing in the city of New-York of the Owego Lottery instituted by the state of New-Jersey; which act suspended for the time being the progress of the lotteries previously instituted in this state;"

And that "All these acts were passed subsequent to the act instituting a lottery for the promotion of literature, in which, grants were made to several public institutions in this state, and yet the practical operation of these acts, has been to delay the drawing of said lottery, and thus occasion a loss to the several institutions provided for therein," equal to the interest accruing on their respective grants, during the time of the delay occasioned by those acts."

year, spread out before the legislature the difficulties with which they had to struggle, and the ruin to which they were exposed; and yet that such was the embarrassment of the state itself, that no immediate and sufficient aid could be afforded; and thus (by the mere course of unavoidable and unforeseen events, over which the trustees have had no control) that they have been compelled either to suffer the institution, entrusted to their charge, to sink amid its own ruins, or themselves and as private individuals, to sustain the pressure which its debts occasioned; frequently aided in this, indeed, by the magnanimity of other private individuals, who have, on more occasions than one, generously come forward and offered either to loan money, or satisfy the demands of creditors by the proffer of their own responsibility: and now that all this is true, and has been shown to be so, will it be deemed saying too much, to say, that in the opinion of your committee, this committee of the regents have committed *an offence* not only against an institution that has rights that ought to have been respected, but also against an institution that has *some claims* on the sympathy, and even on the countenance and approbation of the regents?

And your committee are greatly mistaken in all their views of the genius of our republican government, if it will not also be thought by all impartial, disinterested and considerate citizens, living under it, that they have (equally inadvertently it is believed) *committed an offence* against the laws and constitution of this state, and the liberties of that community, those laws and that constitution were ordained to protect.

That this committee of the regents have not only made use of language too *imperious and mandatory*, but that they have also greatly transcended the limits within which they ought to have confined themselves, in addressing the trustees of Union College, (if indeed there was any occasion on these subjects for addressing them at all) it is not apprehended that there will be even a diversity of opinion, throughout that whole republic of letters, over which they claim to exercise this extensive and exclusive jurisdiction: or even throughout that larger republic, whose opinion on such



question is still more to be regarded, and every member of which is capable of forming, as well as the members of the committee of the regents, some judgment of what is and what ought to be considered an invasion of chartered, and therefore of constitutional as well as personal and private rights.

After repeated and deliberate readings of the entire document served on the trustees, your committee have felt an abiding conviction, that the committee of the regents who penned it, must have been under some temporary delusion; and they still think so, for they have sought in vain to discover, how they should have entertained at any time, for a moment, the belief that they had really been invested with those prerogatives which they have so confidently claimed, or made the depositary of an authority, which they have so fully and so fearlessly asserted.

Observing, however, that this authority seemed to spring out of their supposed responsibility as visitors—a responsibility that had, indeed, escaped your committee, till the terms in which it is expressed, were brought back to their recollection, by being inserted in the body of the document, with which they had been served; and not being, even then, quite sure of their specific and legal import, they turned immediately to the “Act relative to a university,” which employs and defines those terms; and on turning to it they found, (certainly what they did not expect to find) that the regents had the right not only, but also that it was expressly made THEIR DUTY, in the words of the act itself, “to visit every College in the state once a year, by themselves or by their committees, and yearly report the same to the legislature.”

That the responsibility arising from their DUTY as well as their RIGHT, is great, (though not of the kind, it is believed, which the committee of the regents have supposed it to be) is readily admitted. But were the right of the regents springing out of this duty, the same in kind as their committee have supposed, your committee trust that they shall be pardoned for not having so understood it, since, to the best of their knowledge and belief, the institution with which they have been connected, though situated within 15 miles of the place of the

permanent sittings of the regents, has not been honoured by one such visit as the law in question requires to have been annually made to it, during, to say the least, the whole term of those eighteen years, the proceedings of which years, by virtue of this right to visit, if indeed by any right at all, are now required to be copied and presented so promptly and with such accurate and minute detail.—The 7th Resolution is as follows:

VII. “Resolved, That the committee appointed to draft the annual report to the legislature be instructed to notice therein the effects and operation of the last CLAUSE of the act to amend an act, entitled “an act relative to the city of Schenectady,” passed February 14th, 1823.—(See p. 3.)

The committee of the regents say, and which they appear to assign in anticipation, as a reason for their mandatory resolutions, “and there seems now peculiar demand for vigilance on this occasion, in consequence of a law having passed, at the present session of the legislature, which in its effects, though not perhaps in the intention of its makers, RELINQUISHES THAT DIRECT INFLUENCE IN THE LOCAL GOVERNMENT OF UNION COLLEGE, which in consideration of the endowments of 1805, the state then deemed it advisable to secure.”

Such is the ASSUMPTION, undertaken to be proved; and the proof is to be made out by an induction of particulars, which will be fully given in their own words.—(See last division, p. 11 and first, p. 12.)\*

Returning (from this singular result, to which your committee have followed the committee of the regents,) to the original

\* This statement of the case, (as referred to above,) though not entirely conformable to that given under the seal of the regents to the trustees of Union College, in the amendment of their charter, appears to have been made with candour, and is sufficiently accurate for testing the conclusiveness of the argument of the committee of the regents, and will not therefore, at the present time, be excepted to.

The particular operation of the act of 1805, on being accepted by the trustees of Union College, is also stated with candour and perspicuity, in the words—(also referred to.)—With equal candour and correctness, (except that in the opinion of your committee, nine should have been mentioned in the place of ten,) it is further stated—(as above referred to)—that “the number of elective trustees,” &c. And having finished their recital of the state of the case, under the previous law of 1805, and merely referred to the law passed the present session, they arrive at the conclusion, “The effect of which is,” &c.—(See page 12.)



act of 1805, let it be observed that, *that act*, by being passed, granted nothing to Union College; but merely *proffered* a certain *grant* for its *acceptance* on *certain conditions*, which might or might not be complied with: so that to give *effect* to the proffer it contains, a *compact* must be entered into between the legislature of the state on the *one part*, to the trustees of Union College, the legal representatives of its original founders, *on the other*; and in entering into this compact, (for it was entered into,) *money* was given on the *one part* and *chartered rights* were surrendered on the *other*, and the *money given* and the *chartered rights surrendered* by the respective parties, were *reciprocally* accepted by *each* as the *full and exact equivalent*, for *what* they had respectively parted with.

The conditions of which compact, and the evidence that it was intended by the legislature, if acceded to, to be considered as a compact, is detailed in the law itself, and is afterwards embodied, and rendered still more sacred by being embodied, under the seal of the regents, in the form of an *amendment* to the original charter, still held by the college. By the consummation of this compact, the college acquired a right to the *exact amount and kind* of benefit, stipulated for in said act of 1805, and to *no more and to no less*; the same to be received at some future and uncertain time: and the state acquired the right to the *exact amount and kind* of benefit (and to *no more and to no less*,) to accrue to *it* from the specific amendment to the charter of Union College, stipulated for in said act; which amendment was duly made in the words following, to wit:\*

And as each party acquired by virtue of the above recited amendment, a right to the *exact amount and kind of benefit* stipulated for in said act, so neither party became liable to *any other kind, or to any greater de-*

gree of loss of rights or of liability to danger, than the *exact kind and degree* stipulated for in said act.

Such was the situation of the parties after the charter of Union College was amended: and as a consequence, the state derived therefrom the *immediate* benefit of having eleven of its officers placed in the board, together with such other prospective benefit as might arise from their relative numerical consequence therein.

So that by the operation of this act, (as the committee of the regents truly state) "*the state officers could not only have formed a MAJORITY of the whole number of trustees, when reduced to twenty-one; but future vacancies, amongst the ten elective trustees, would have been filled by the regents instead of by the college.*"

Because in addition to this stipulation, already carried into effect, and which has given and will hereafter give to the state, *the only and the whole of the direct influence in the local government of Union College, which, under the act of 1805, it ever has or can acquire.* There was another and a *prospective* stipulation, with respect to *vacancies*, that might occur, and which

the Justices of the Supreme Court, and the other officers of state above mentioned, shall be reduced to ten.

In testimony whereof we have caused our seal to be hereto affixed, this 29th day of March, 1806.

MORGAN LEWIS."

The clause of the act of March 30th, 1805, is as follows:

"XIII. *And be it further enacted*, That the grant of the aforesaid lotteries is upon the express condition and stipulation that the said trustees of Union College, shall make application, under their common seal, to the regents of the university of this state, for an amendment of the charter of said college, so as to reduce the whole number of trustees to twenty-one, and so as to constitute the chancellor, the justices of the supreme court, the secretary, the comptroller, the treasurer, the attorney-general, and the surveyor-general of this state respectively, for the time being, ex officio, trustees of said college; as also for the said regents to fill all vacancies of the said trustees, from time to time, which shall take place; and the said regents are hereby authorized, empowered and directed on such application, to amend the charter of said college accordingly, any thing contained in the act, entitled "An act to institute an university in this state, and for other purposes therein mentioned," notwithstanding. The reduction of the number of the trustees of said college to be produced by the vacancies which, from time to time, occur by resignation, by death, by removal out of the state or otherwise, which vacancies shall not be filled till the number of trustees, exclusive of the chancellor, the justices of the supreme court, and the other officers of state above mentioned, shall be reduced to ten."

\* "So as that the whole number of the trustees of said college are reduced to twenty-one, and so as that the Chancellor, the Justices of the Supreme Court, the Secretary, the Comptroller, the Treasurer, the Attorney General, and the Surveyor General of this State, respectively, for the time being, shall be ex officio trustees of said college, and so that the vacancies which shall from time to time occur in the said board of trustees by resignation, by death, by removal out of the state or otherwise, shall not be filled until the number of said trustees, exclusive of the Chancellor,



were to be filled neither by the one party nor the other, nor by the parties jointly; but by the regents at *some* future time, then unknown. But the circumstances in which the board is to exist at the time, are fixed with *marked precision*, to wit:

That the same is to consist of *twenty-one members*, and no more and no less, the eleven state officers to be included in the number. And till the whole board shall so consist of twenty-one members, and till the existing members, (exclusive of the chancellor, the justices of the supreme court, the secretary, the comptroller, the treasurer, the attorney-general and the surveyor-general of this state,) shall have been reduced precisely to ten; and the time and the state of things shall have arrived, *so important*, in the opinion of the committee of the regents, and *so important*, also, in the opinion of the trustees of Union College, when the *state officers* would have become a majority of the *whole number of trustees*: till this state of things shall have arrived, the amended charter of the college declares, and declares too under the seal of the regents, that the vacancies occurring, whether by death, by resignation or removal, shall not be filled by the regents.

The *manner* of filling vacancies by the regents, and the *precise* circumstances and conditions under which they were *ever* to be *so filled*, to wit: when the board should consist of *twenty-one* members, and the state officers become a *majority* thereof, having been satisfactorily settled, the whole compact was hastening onward, with apparent satisfaction to both parties, towards entire and ultimate fulfilment.

But before the time had arrived, and before the *prescribed circumstances* existed in which the stipulation concerning filling vacancies, *guarded* with *so much care* and *fixed* with *so much precision*, could be acted on, a new constitution was adopted by the people of the state of New-York; but a constitution which, in the spirit of those who adopted it, *forbids* to impair former *contracts* or *violate chartered rights*.

By an article of this constitution, the judges of the supreme court, are reduced from *five* to *three*, and by this reduction, without being intended, the number of trustees of Union College is reduced, (and re-

duced *without the consent* of the board thereof, and *contrary to express stipulation* with the state) from *twenty-one* to *nineteen*: the state officers, before a *majority*, and who were relied on for *protection*, by the *trustees of Union College*, are reduced from *eleven* to *nine*, that is to a *minority* of the *whole board*, and the *ten* elective trustees, whose future vacancies are claimed to be filled by the regents, are relatively increased in number and strength, so as that (notwithstanding the *precautions* used and the *stipulations* entered into, to prevent the possibility of such an event) they are to become a *majority of the whole board*.

By this unlooked-for derangement in the conditions of the compact with the state, the state lost *its control* in the board of trustees, and by losing it, *lost* the ability to furnish *that protection*, which its *stipulated majority* was deemed a *pledge* that it would for ever furnish.

In such a reverse of circumstances, it was felt by the trustees of Union College, that they were not bound to abide by the *prospective* condition of a contract, when the antecedent condition, which alone gave or could give *obligation* to that which was consequent upon it, had ceased to exist. So thought counsel learned in the law, who have been consulted; so thought the legislature, to whom the treasurer of the institution applied.

A law *was unanimously* passed, intending to obviate the difficulty, by making a *new proffer* to the college, to wit: that the governor and lieutenant-governor, should be added to the state officers already existing in the board, the number of elective trustees to remain the same as at the time existing; and to prevent the inconvenience that *might* arise from any *similar and future* derangement of the terms of the compact, that the future vacancies to be filled, should be filled by the joint vote of the members of the board.

Though the trustees believed that, as the most material condition of the original compact had ceased to exist, they never could, while the board was so circumstanced, be *compelled* to submit to the filling up of vacancies by the regents; still they had felt the good effects of *the direct influence of the state* on the concerns of the board;



and they were, therefore, *willing and desirous to preserve that influence and even to increase it.*

Hence they accepted of the just and honorable proffer that had been made them by a wise and beneficent legislature, and filed their certificate accordingly.

In the mean time, a committee of the regents (who were neither parties to the first compact nor to the second, and to whom no reference had been made, during the discussion of either,) undertake gratuitously to *expound*, for the benefit of the college and the legislature, the law they have passed; and though all the *direct influence* the state had at the time, has been retained, and not only retained, but strengthened by the acquisition of *two additional members*, so that in place of *nine*, *eleven* ex officio trustees are now numbered in the board: this committee declare, that the passage of this law, which gives up *nothing* on the part of the state, but which *acquires much* is, in effect, **“TO PREVENT THE POSSIBILITY OF THE EX OFFICIO MEMBERS, EVER BECOMING A MAJORITY OF THE BOARD, and to invest in the college the right of elections to future vacancies amongst the trustees not ex officio; in other words to repeal the express condition and stipulation, upon which the grant of 1805 was bestowed, AND DEPRIVE THE STATE OF ALL EFFICIENT INFLUENCE AND CONTROL IN THE DIRECT MANAGEMENT OF THE INSTITUTION.**

The committee of the regents add, (and your committee *fully* coincide in the sentiment,) *“If such be the effect of the act lately passed, your committee are well assured that such was not the intention of the legislature in passing it; neither the gentleman who introduced the bill in the Senate, nor many other members of both houses, of whom your committee have made inquiry, were aware of its operation, and no reasonable doubt can be entertained, but that upon a proper representation from the regents, the legislature would declare, according to their actual meaning and intention, that nothing in the act referred to, should be construed to ALTER or repeal the existing provisions of the charter of Union College, with regard TO THE*

**NUMBER of TRUSTEES, or the mode of filling up vacancies amongst them.”\***

Before such a law is passed, as the committee of the regents seem to desire, your committee apprehend, that there are several things that will require to be explained.

1st. It will require to be explained, how the *majority* of the state officers, in the board of trustees, has been lost (which loss the committee so much regret) by the passage of this law? Or, how it would be restored by its explanation or repeal? *Previous* to the passage of this law, the state officers had become reduced to *nine*, while the vacancies, the committee of the regents seem so desirous to fill, amounted to *ten*.—The time would be distant, it is believed, even though this law were repealed, before the *nine* officers of the state, would outnumber the *ten* elective trustees of the regents.

2d. It will require to be explained, how the express condition and stipulation, on which the grant of 1805 was bestowed, has been repealed, by the addition of *the governor and lieutenant-governor* to the number of the ex officio trustees, and especially how the *bestowment* of additional powers, as well as the *constituting* of additional members, *“has deprived,”* as they affirm, *“the state of all efficient influence and control in the direct management of the institution.”*

3d. How, if this law had not passed, (and while the state had but *nine* members and the regents *ten*, and both together but *nineteen*,) the board of trustees could be considered, by candid men, as organized according to the *mutual understanding* and *solemn stipulation* of the parties in 1805?

4th. If this law were repealed, so that the regents could elect *ten* members, the state officers being *nine*, it would require to be explained, how this would increase the *DIRECT influence of the state* in said board?

5th. It would further require to be explained, how the regents, under such circumstances, could proceed to fill vacancies? or why the college should consent to permit them to do so, when, under the seal of that body, the trustees hold that amendment in their charter, which expressly declares, that they shall not, under such cir-

\* The act added expressly, two trustees to the number which at the time existed.—(See page 3d.)



circumstances, fill any vacancies that may occur whether by death or otherwise? Especially how it required, in 1805, *eleven* state officers and *ten* elective trustees, to make the *twenty-one* trustees? And how, in 1823, *nine* state officers and *ten* elective trustees will constitute a board, the *whole* number of which shall be *twenty-one*?

6th. And how the trustees of Union College have become bound by *this new arrangement*? It is not enough for the regents to say, that it is as good an arrangement, or even a better arrangement, than the *original one*. Is it an arrangement concerning which the trustees have a *right* to judge for themselves. It is an arrangement to which they *have never assented*, and differing essentially, and in a *point of vital consequence* to them, from *that arrangement* which the *faith of the state* was, by a *solemn compact*, pledged to maintain. The college are not bound to relinquish the *protection derived* from a *majority of state officers*, and accept in lieu thereof, a *majority of trustees* elected by the regents; the *very thing* that so much *precaution* was used to prevent. And yet a law having (in a case of such *palpable justice*, and when rights were liable to be attempted to be wrested from the trustees, contrary to the terms of a *settled* and a *solemn compact*,) passed *unanimously*, having passed without any other interference of theirs, than merely the suggesting of the measure by the treasurer. A committee of the regents, speaking as lightly of *the understanding* of the legislature as of *the candour* of the college, endeavour to throw a shade of suspicion over the whole transaction.

The committee of the regents speak of an explanatory act. It cannot be unknown to that committee, that such an act would be nugatory; a court of justice only, is the place where the nature and extent of *vested rights* can be explained.

But the trustees of Union College will take no advantage of *this circumstance*, and if the regents will consent to it, will refer *the whole case*, either to the chancellor and judges under the former constitution, or to the chancellor and judges under the present constitution, or to all of them together, at the option of the regents; and if on examination, it shall be decided even though no

law had passed the present session, that there is any probability that the regents could have claimed, with effect, their assumed right to the filling up of vacancies, in the board of trustees of Union College, situated as it has been since the adoption of the new constitution, the trustees will abide their decision; and waving the *protection* acquired by the *act alluded to*, they will consent that the right asserted by the regents, may be *tested* at the tribunal of justice.

Your committee close their long and tedious report, by offering the following resolutions:

*Resolved*, That the trustees of Union College, entertain the highest respect for the regents of the University; and that they will at all times cheerfully comply with any requisition they may make, not deemed to be inconsistent either with *the laws of the state*, or the *chartered rights* of this institution. And though the trustees consider the foregoing resolutions, during the embarrassment in which they are placed, by a delay of receipts from the lotteries granted by the state, as untimely and unkind, they have no doubt they have originated in misapprehension, and that the regents themselves will hereafter regret that the same should have been forwarded.

*Resolved*, That the detailed report of the treasurer, with respect to the present state of all the property of the institution, both productive and unproductive, together with all the debts owed by the institution, after the same shall have been examined by the committee to whom it has been referred, be transmitted to the legislature; and that the said committee be authorized, respectfully, to make, in behalf of the trustees of Union College, *such additional statements* and *remarks*, as *the remarks* of the future report of the committee of the regents may require.

On motion—*Resolved*, That the above report be approved, and that the same be signed in behalf of the trustees, and presented to the regents by the committee appointed for that purpose.

ELIPHALET NOTT,  
ALEXANDER PROUDFIT,  
GUERT VAN SCHOONHOVEN,  
SAMUEL BLATCHFORD,  
JAMES C. DUANE,  
JOHN YATES,

} Com-  
mittee.



Report of the Regents of the University.  
To the Honorable the Legislature of the state of New-York.—April 21, 1823.

The trustees of Union College, being required by law to make an annual report, directly to the legislature, the regents should, on this occasion, have confined themselves to their usual brief notice of the state of that institution, if particular circumstances of late occurrence, had not rendered it incumbent upon them to dwell more particularly upon its affairs.

Upon the coming in of the annual report of this college to the regents, at their present session, this board, conceiving that some of its financial statements required explanation, referred the same to a select committee to examine and report thereon. From the investigation made by this committee, it appeared desirable to the regents to obtain, during their present session, full and accurate information respecting the funds, revenues and debts of Union College. Resolutions proposed by the select committee to that end, were accordingly adopted by the board, without a dissenting voice, and copies of these resolutions, together with a copy of the report of the select committee, as accepted by the board, (copies of which are also herewith transmitted,) were, in pursuance to its directions, duly served on the officers of the college, in order to ensure a report from the trustees, within the period of the present session of the legislature, and at the same time to afford to the college a reasonable opportunity for preparing it, the regents fixed a time for receiving it, of three weeks from the adoption of the resolutions, which time expired on the 14th of April instant.\*

On that day a communication was presented to them from the college, in the form of a report, made to the trustees by a select committee of that body, a copy of which is also herewith transmitted. This document, after animadverting upon the facts and arguments adduced by the committee of the regents, denies, in terms, the authority of this board to require the information called for by its resolutions. Upon this commu-

\* The annual report of the trustees of Union College, was made February 21st—(See page 3d.) The call of the regents founded thereon, was served on the treasurer, then in Albany, March 27th. It was first communicated to the trustees, April 3d; and their answer was returned, April 14th.

nication, the regents, from respect to themselves, as well as to the legislature, forbear to comment. They have simply to remark, that they were not induced to inquire into the fiscal concerns of Union College, from idle or unjustifiable curiosity, or from any desire or intention of exercising an usurped authority, but from a conviction of duty, and a sense of the responsibility imposed on them by law.

By the third section of the act relative to the university, (2d Rev. Laws, 261,) the regents are authorized and required "*to visit and inspect*" all the colleges, academies and schools established in this state; examine into the state and system of education and discipline therein, and make a yearly report thereof to the legislature; *and also to visit every college in this state once a year, by themselves or their committees, and yearly to report the state of the same to the legislature.*" And in the 17th section of the same act, it is declared, that academies, when advanced to colleges, in the manner therein prescribed, shall "*be subject to the like rules, regulations, controul, and visitation of the regents, as other colleges mentioned in this act.*"

1. The words "*visit,*" and "*visitation,*" contained in the above extracts, the regents have conceived to be used, not merely in their common acceptation, but being terms of known legal import and effect, to have been introduced into the statute with reference to *their technical signification.* The framers and revisers of the act well knew, that at common law, all corporations were liable, as a necessary incident to their creation and existence, to be *visited* in the technical acceptation of the term, and that the reason assigned for it in the books was, that as these bodies were composed of individuals subject to human frailties, and therefore apt to deviate from the ends of their institution, the law in this mode provided proper persons to *visit*, inquire into, and correct all irregularities that might arise in them. As to all civil corporations of a public nature, this right is inherent, without any express reservation in the government which confers the charter, and which is therefore regarded as the legal founder.

2. In *eleemosynary corporations*, (which class includes colleges and all other incorpo-



rations for the purposes of education,) the founder, by virtue of his endowment, is of common right the legal visitor, to see that the property is rightly employed; but if he has appointed and assigned any other person to be visitor, then the person so appointed, he is invested with all the founder's power, and in every instance has authority to effectuate the intention of the founder, as far as he can collect it from the nature of the institution.\* No particular form of words is necessary for the appointment of a visitor; terms of similar import to those used in the act above referred to, have been held to create a general visitor, and confer all the authority incident to the office; but this general power may be restrained and qualified.

3. And it has been determined, that where the private founder or endower of a college or other eleemosynary corporation, has appointed a special visitor, if his heirs become extinct or cannot be found,§ the right of visitation devolves upon the government to be exercised in the same manner as when the state itself is the founder, (1 Black. Com. 480—1 Woodeson's Lectures, 474—1 Burn. 194—1 Burn, 199—Term Rep. 233—2d Vesey, Jr. 609.

4. Such being the law of the land antecedent to, and independent of, the act from which this board derives its powers,† the legislature by that act incorporate this board, place certain funds at its disposal,‡ invest it with authority to incorporate and endow colleges and academies, and in express terms subject such colleges and academies to its visitation.

In virtue of the authority so conferred, Union College receives its charter from the Regents;|| is largely endowed by the state,¶ and receives private subscriptions *in aid of*

\* Did not the founders of U. C. name the very trustees to be appointed their visitors? And did not the regents incorporate them for that very purpose? See sec. VII. of the act of April 13th, 1787, p. 41. See also the common law rights of Trustees, p. 37.

§ Are either the assignees, or the heirs, or even the founders of U. C. themselves extinct? or could they not be found on whom the regents had just served their mandamus? See p. 32.

† The regents derive their powers from the act of April 13th, 1787: the previous law of the land is contained in the act of May 1st, 1784. See p. 40.

‡ Not in the act that incorporated them, nor till long after it. See the act itself.

|| In 1795.

¶ "By the state." When? In 1805 and 1814.

its funds.\* An act of the legislature, passed March 30th, 1805, granting \$80,000 to be raised by lottery for its benefit, directs \$35,000 to be laid out in new edifices for the accommodation of students, \$35,000 more to be invested in certain securities,§ and the annual income thereof applied solely and exclusively to the support of professorships, and the residue of the monies to be raised by lottery, to be invested in the same manner, on the same conditions, and under the same restrictions, one half of the avails thereof to be laid out in establishing and maintaining for ever a classical library, and the other half for ever appropriated towards defraying the expenses of indigent students. A subsequent act of the legislature grants a sum of principal and interest, amounting in the aggregate to \$284,000, to be raised in like manner, and makes specific appropriations of different portions of the principal; only a small portion of the moneys granted by this lottery is, however, as yet realised, but all control and management of the lotteries is given over to Union College,† in order to facilitate its collection; and under these circumstances, the regents not being satisfied with the financial statements, contained in the annual report made to them by the college, require from the trustees a more enlarged statement, and more particular information respecting the funds, revenues, debts and expenditures of the college, which the trustees withhold, on the ground either that the regents have no authority over them as visitors, in a legal sense, or that their legal power of visitation is limited to an examination of the state and system of education and discipline in the college.

That the authority vested in the regents is to be confined to mere personal visits, in the common acceptance of the word, by themselves, or their committees, to all the colleges, academies, and schools in the state, or that the supposed limited power of legal visitation is to be exercised only in that mode, will not be seriously contended

\* "Private subscriptions." (When? In 1794 and 1795.) "in aid of its funds:" granted by the state in 1805—1814.

§ The existing law says, "the Mohawk Bank": See the act itself, note B. p. 20.

† The act says, "to the several public institutions interested therein. See act to limit the continuance of lotteries, passed April 5th, 1822.



for by any who consider the end and objects to be obtained by the exercise of the power; who reflect upon the nature of the power itself as recognized before the statute,\* or are aware of the practical construction of it, which has been adopted by this board and acquiesced in for many years past, not only by Union College,§ but by every other college and academy in the state. For when from the multiplication of these institutions, it became impracticable for the regents to pay personal visits of inspection to all of them, by means of their committees, or when the expense attending such visits, would have been too heavy a draft upon the revenues at their disposal, these personal visits of inspection were discontinued, the expense attending them saved and added to the sums annually distributed amongst the academies, and the spirit, if not the letter, of the law more effectually obeyed, by requiring annual reports† of the state of these institutions to be forwarded by their trustees to this board. These reports have been annually made for several years past, and that received this year from Union College, in compliance with this regulation, has given rise to the present discussion.

Nor is it less clear, that the power of visitation is not limited by the words of the statute, to an examination into the state of education and discipline in colleges and academies; for if it be ever admitted that

\* See act of May 1st, 1784, p. 40, and at common law, p. 37.

§ If the regents, previous to the 24th of March, 1823, have ever given any practical construction of the powers claimed by them over the Colleges—Union College has not only not acquiesced in such construction, but it has not even known or heard that the same had been given.—*See their replication.*)

In 1805, the regents say in their report to the legislature, that

"The regents have required annual returns from THE ACADEMIES, according to a prescribed form.—This has enabled them to exhibit a general return, which at one view shows the state of all THE ACADEMIES that have complied with the regulations."

Years after this, committees WERE APPOINTED to visit and inspect the Colleges; though the actual visit and inspection were dispensed with.

† If any such report has ever been required of either of the Colleges, the trustees of U. College are ignorant of it, and they aver (*See their replication*) that the same has not been required of them: the report required on the 24th of March, 1823, being (to the best of their knowledge and belief) the first and the only report ever required of them by the regents.

the former clause of the section, which requires the regents to "visit and inspect all the colleges, academies, and schools which are or may be established in this state, examine into the state and system of education and discipline therein, and make a yearly report thereof to the legislature," is not to be construed disjunctively, still the clause which immediately follows, "*and also to visit every college in this state ONCE A YEAR, by themselves or their committee, and yearly report the state of the same to the legislature,*" and a clause in a subsequent section, by which academies when incorporated, are declared in general terms *subject to the visitation of the regents*, would be useless repetitions, and nugatory in their effects upon any other construction of the act than that adopted by this board.

By the fair interpretation of the statute, the Regents have conceived their authority coextensive with the known technical meaning of the terms in which it is conveyed, and equivalent to the powers of general visitors, at common law, excepting in so far as those powers are restrained and qualified, in regard to the election, appointment, and removal of officers, the prescribing ordinances and statutes to the institution, which they incorporate, and in some other points of jurisdiction, incident to the office of general visitor, which are specified in the act.\* They conceived that the legislature intended to establish in them an authority of this nature, to be applied in all cases of endowment from the state, or from resources raised or contributed under its authority; and they also conceived, that a case had presented itself, which called for the exercise of their powers, as an incumbent duty. Acting under these impressions, they have attempted to interfere on the occasion in the manner now in question; and should they prove to have misconceived their powers, they shall at least have the consolation of having discharged their consciences, and of reflecting, that the ends they had in view,

\* And are not the *financial* concerns among the very points specified, from an interference with which the regents are restrained, in the act which created that Board? "And it shall and may be lawful for the trustees" (the trustees of Columbia and of every other College) "and their successors to grant, bargain, sell, demise, improve and dispose of the same" (their property) "as TO THEM shall seem meet"; are the words of the statute itself. See sec. X, p. 42.



might yet be accomplished in another mode, and under higher authority.

If a right of examination, in cases of this kind, be not vested in the Regents, it must reside in the legislature, or in some department of the judiciary, unless what seems to be pretended by the trustees of Union College, can be successfully maintained, that after a legislative grant of funds to an incorporation, and their permanent appropriation to specific objects, an inquiry into the disposal of those funds, or an attempt to control their application to the purposes for which they were granted, is to be regarded as an infringement of chartered rights.\* Such power must reside somewhere in the state, or else there would be nothing to prevent the funds granted to incorporations for the purposes of public education, from being misapplied or diverted to any other objects, or converted to the private benefit of the individuals to whose administration they are entrusted.

But whether the power exists in the legislature, or in the Regents, or elsewhere, this board is equally convinced of the propriety of its exercise, especially as a law has lately been passed, which, in its operation, though not perhaps in the intention of the legislature, *relinquishes that direct influence in the local government of Union College*, which in consequence of the endowment of 1805, the state then deemed it advisable to secure. At that time the number of trustees established by the charter of the college, was twenty-four, and vacancies were filled up by the remainder of their own body; but the grant then made to them, was upon the express condition and stipulation, that they should make application to the Regents for an amendment of their charter, so as to reduce the whole number of trustees to twenty-one, and so as to constitute the chancellor, the justices of the supreme court, the secretary, the comptroller, the treasurer, the attorney-general, and the surveyor-general, respectively, trustees ex officio; so also as that the Regents should fill all vacancies from time to time

occurring amongst the other trustees, and effect the reduction of their number by not filling up vacancies until they should be reduced to ten.

The Regents, upon the application of the trustees, amended their charter as directed, so that by the operation of the act of 1805, *the state officers would not only have constituted a majority of the whole number of trustees, when reduced to twenty-one*, but vacancies afterwards occurring amongst the elective trustees, would have been filled by the Regents, instead of by the college. No information had been transmitted to this board, that the number of the elective trustees had as yet been reduced, by death, resignation or removal, to less than ten, and consequently no vacancy had as yet occurred for the Regents to fill up; when a preamble and clause was affixed to an act relative to the city of Schenectady, passed in February last, which after reciting "that by reducing the number of justices of the supreme court under the new constitution; the number of trustees of Union College will be reduced," enacts "that the governor and lieutenant governor for the time being, shall be added to the number of trustees, ex officio; and the trustees not ex officio, shall remain the same in number as they at present exist in said board; and that vacancies hereafter occurring therein, be filled in the same manner as vacancies heretofore have been filled, provided the board of trustees of said college shall consent thereunto, and file such consent in the office of the secretary of this state. An instrument purporting to contain such consent has been filed, and if the number of trustees have not been reduced to ten, the effect of the act, if carried into operation, will be to PRECLUDE THE POSSIBILITY OF THE EX OFFICIO TRUSTEES EVER FORMING A MAJORITY OF THE BOARD, and at all events, to re-invest in the college the right of election to future vacancies amongst the trustees not ex officio; in other words, to repeal the express condition and stipulation upon which the grant of 1805, proceeded,† AND THUS

\* Where or when have the trustees of U. C. pretended this? Or in what year have they refused or neglected to report to THE LEGISLATURE AS THE LAW DIRECTS? See Journal of Assembly for each year since the endowment was received. Also see their report itself, p. 3, and note B, p. 20.

\* Compare this with p. 12.

† Was the filling of vacancies by the regents THE ONLY OR THE WHOLE condition and stipulation on which the grant of 1805 proceeded? See the act itself, p. 23.



DEPRIVE THE STATE OF ALL EFFICIENT INFLUENCE AND CONTROL, IN THE DIRECT MANAGEMENT OF AN INSTITUTION SO MUNIFICENTLY ENDOWED BY ITS BOUNTY.\*

The paper transmitted by the trustees to the regents, in answer to the report of their committee, notices the circumstances above related in regard to the law of this session; but whether the committee of the trustees mean to deny or justify the repeal of the former statute, by the operation of the act of the present session, it is difficult to determine;† they do not expressly assert that the effect and operation of the clause in question, (which are certainly not obvious without minute explanation,) were communicated to the legislature. If they were not so communicated, or if the effect of the law be ambiguous, or contrary to the intent of the legislature, it is for them to determine whether an amendment or repeal is proper in relation to it. *The trustees of Union College, in concluding their late communication to the regents, offer to waive the advantage of the act, provided the regents will consent to refer the whole case, either to the chancellor and judges under the old constitution, to the chancellor and judges under the present constitution, or to all of them together, at the option of the regents;* but as the regents have no private interest in the question, and are acting in the exercise of a public trust, they do not feel themselves at liberty to submit their public rights and duties to the arbitrament of any private individuals, however respectable: much less would they feel themselves warranted in submitting them to the private decision of those officers of the government, whose duty it may become, to pass judicially upon them.

All which is respectfully submitted, by order of the Regents.

JOHN TAYLOR, Chancellor.

By order,

G. HAWLEY, Secretary.

\* Has the adding of two state officers to the nine that before existed, TAKEN from the state ALL or even any of its efficient influence in the DIRECT management of the institution? See last page.

† How difficult, will be seen at page 29 and 30.

IN ASSEMBLY, APRIL 24, 1823.

REPLY of the Trustees to the Report of the Regents.

The trustees of Union College respectfully report to the Hon. the legislature, that since their communication of Saturday 19th inst. they have seen the report which the regents made (on Monday 21st inst.) to both houses of the legislature, on the subject in question between them and the trustees; and though the reason assigned therein to your Hon. body for making a call on Union College for further information is a reason *new and unheard of before* and a reason entirely different from *the reason* assigned to the trustees themselves in the original communication which contained the *call itself*.

And though this *new* reason assigned, seems to the trustees to be a reason rather *against* than in favour of making such a requisition as has been made; a requisition coupled with *implied* if not express *imputations* of dishonesty; still, as *this reason* for the *original* call on the trustees of Union College for further information which is now, for the *first time* brought forward in the report of the regents to the legislature, is brought forward unaccompanied by any *aspersions* on the character of the trustees, they do not object to it. And had such been the reason assigned in the *original* requisition of the regents, and had their communication throughout been *free* from imputations, the trustees assuredly would (not as an act of duty but of respect) have hastened to relieve the apprehensions of the regents by the furnishing of additional information; had not such information been *demand*ed in such a manner that the *demand* could not have been complied with without recognizing the authority of a Board which they disclaimed as *legal umpires*, in their case, and which they could not consent to make umpires *by concession*, because they had, in anticipation, themselves undertaken not only to *collect and state* the facts, and *argue* the cause, but also to *prejudge* it, by the imputation of dishonesty. The statement now made by the regents to the legislature, in relation to the law of the present session as will be seen by *comparison* also differs materially from the statement previ-



ously made to the trustees by the regents on the same subject: but as the latter statement is *less positive* and *less reproachful* than the former, this difference will not be insisted on.

With respect to the legal question of *right* and *duty* at issue between the trustees and the regents, discussed at length in their report, it is admitted with pleasure, that this is met as a question of law *merely*, in a spirit creditable to the regents, and without any attempt to excite prejudice, to impute dishonesty, or bias, by any offensive inuendoes, public opinion. The trustees, though *differing wholly* from the regents in opinion, will endeavour, in imitation of an example so creditable, to meet this question in the same spirit in which it has been met by the regents, and to discuss it in the same frank and inoffensive and respectful manner.

In *one* important point, the trustees are happy to agree with the regents, viz. That "in eleemosynary incorporations for the purposes of education, the founder, by virtue of his endowment, is of common right the legal visitor, to see that the property is rightly employed: but if he has appointed and assigned any other person to be visitor, the person so appointed is vested with all the founder's power, and in every instance has authority to effectuate the intention of the founder, as far as he can collect it from the nature of the institution; and no particular form of words is necessary for the appointment of a visitor."

Now by a reference to the original charter of Union College, it will be seen that Abraham Oothout and one hundred and twenty-six other persons were *the founders thereof*, by contributing *funds* which the regents expressly declare *in said charter* were duly and sufficiently secured. The charter authorizes the trustees to appoint the officers of instruction; to determine the course of education and system of discipline; and to hold and manage all the personal and real estate belonging to said institution, for the use thereof, and according to *their own discretion*. And "in the construction of charters, it is a general rule, that if the objects of the charity are incorporated, the visitorial power silently vests in the founder and his heirs. But where trustees or gov-

ernors are incorporated to manage the charity, the visitorial power is deemed to belong to them in their corporate capacity. And when a private eleemosynary corporation is thus created by the charter of the endower, it is subject to no other control on the part of the Crown, than what is expressly or implicitly reserved by the charter itself." (4th Wheaton 675. Philips v. Bury. 1 Ld. Roy, 5. 1 Ves. 472 and 2d Ves. 327. 3d D. & G. 199.)

Such being the established law of the land, the trustees of Union College have acquired by the act of their incorporation, and as the *legal assignees* of the donors of the charity, the *visitorial power* over said institution; neither the regents nor the legislature having contributed any thing towards the *original foundation* and endowment of the same. And it is presumed that it will not be pretended, that subsequent donations, unless accepted by the trustees under such condition, could at all *impair the original* right of visitation with which they had been previously and expressly vested. For *it is well settled that the first gift of the revenues is the foundation, and he who gives them is, in law, the founder.* (1 Black. Com. 480, 10, 20, 33.)

"Although the King," says Mr. Justice Washington, "by the grant of the charter, is in some sense the founder of all eleemosynary corporations, because without his grant they cannot exist, yet the patron is the perficient founder, to whom belongs all the powers and privileges which have been described. With such a corporation it is not competent for the legislature to interfere. It is a franchise, or incorporeal hereditament founded upon private property, the offspring of his own will and pleasure, to be managed and visited by persons of his own appointment, according to such laws as he or the persons so selected may ordain." (Farrar's Report of the case of the trustees of D. Coll. against W. Wood: 336.) And Chief Justice Marshal says that, by such "a charter, an artificial immortal being is created, capable of receiving and distributing for ever, according to the will of the donor, the donations. That the corporation is the assignee of their rights, stands in their place, and distributes their bounty as they would have distributed



it had they been immortal." (Same Report, 321, 322.) At common law *then*, there could be *no doubt* on this subject.— And were there *no statute*, there could be *no question* whether the original trustees of Union College, by the settled law of the land, were the exclusive visitors of that institution, as the assignees of the original founders up to the year 1805; at which time, by stipulation, and as a condition of the grant then made, the state appointed *eleven visitors* or trustees *ex officio*, who participated, thereafter, in the rights and duties of the other, and previously existing members of that board. And the question now is, whether the regents, (to the exclusion of the *original trustees*, vested with the rights and standing as the legal representatives of the *original* founders, to the exclusion also of the *eleven state officers* thereafter to be comprehended in that new organized board of trust: which *eleven* state officers by becoming trustees *became visitors*, on the part of the state by *appointment*, and on the part of the original founders by *concession*;) and the question now is, not who *would have been* visitors at *common law*, if no statute had existed; for if there had been *no statute*, *no regents* under it could have existed, either *to execute* or even *to claim* the right in dispute; but now that there is a *statute* existing, and a *board of regents* existing under it, the question is, whether *that board*, and by virtue of *that statute*, are visitors of Union College to the exclusion of the original *assignees* of the founders; to the exclusion also of the *eleven state officers* introduced into that board by the consent of those *assignees* on the part of the *state itself*; and so *exclusively* the visitors that the annual *exhibit* required to be made to the *legislature*, relative to the \$35,000 appropriated in the act that created these state officers *trustees* of Union College, must now be made (not to the *legislature*, as the act directs, but) to the *regents*?

This is the question at issue. And because in the act instituting a University, and passed the 13th April, 1787, the words *visit* and *visitation* are found; and because the regents have the right in the words of that act, "to visit and inspect all the colleges; examine into the state and system of education and discipline therein, and make

a yearly report thereof to the legislature," the regents infer that the *whole* right of *visitation* is conferred on them, and that they are visitors in the *full common law* sense of the term. Whereas the trustees *deny* that they are visitors in *this sense*, even with respect to the *course of education and system of discipline*, so far as Union College is concerned. The adoption and regulation of the *whole course of education and system of discipline* in Union College, is by their *charter*, expressly vested in the *trustees* themselves, to be exercised at *their discretion*.— Even *here* then the regents cannot interfere at the *time* of their visitation, or *afterwards*, with respect to a single arrangement that the trustees have made. (Except in the single case of filling the presidency of the college if improperly left vacant.) As to every thing else, they may *annually* visit, inspect and report, and having done so, for that year, their authority is *spent*. It is, however, from the *express* right of visitation with respect to *education and discipline*, that the right of *general visitation* is inferred by the regents. But the authority *inferred* in *other cases* can be no greater than it is in the *case* from which it is *inferred*.— Now will it be pretended that to have the right to visit, inspect and report, on the state of education and discipline in any college, is "to be invested with all the founder's power, and to have in this, and therefore in every other instance, authority to effectuate his intention"? But unless this can be made out, then the regents are not (even in the cases where *visit* and *visitation* are named in the act under which they claim) *visitors* in the *common law* sense, and in the sense in which they themselves have shown that it is *technically* used.

The trustees fully agree with the regents in the import of the terms *visitor* and *visitation*, in the *technical* and *common law* acceptance of those terms; and they agree with the regents in opinion with respect to the comprehensive powers, which the use of these terms in the *technical* acceptance of them, every where convey.

But whether, when the regents "are authorized and required," in the words of the act of 1813, which they have quoted, "to visit and inspect all the colleges, academies and schools established in this state, exam-



ine into the state and system of education and discipline therein, and make a yearly report thereof to the legislature: and also to visit every college in this state once a year, by themselves or their committees, and yearly to report the state of the same to the legislature"; whether they are clothed with *full visitatorial powers*, and whether these words, *visit* and *visitation*, were, as they suppose, *introduced into the statute* quoted, "with reference to their *technical signification*," is a different question.

That the framers and reviewers of the act of 13th April, 1787, well knew the import of *these terms* in their *technical acceptation*, the trustees are as *fully* aware as the regents *can be*, and they are also aware that the framers of that act have shown *incontestibly*, that it was *not* their intention, that the *board of regents*, they were *then creating*, should be the depository of such powers as would be communicated by the use of those terms in their *technical* import. For, from the 1st of May, 1784, until the passage of the *very act* they were framing, the board of regents as *trustees of the university*, did possess the powers of visitors, *expressly* granted by two preceding acts, in their *fullest extent*, together with all the rights, immunities and privileges, granted in the original charter of King's College, and therefore with respect to *King's College*, *existing* at the time, and *prospectively* with respect to *all future colleges thereafter* to exist; which colleges as they successively arose in being, were to become identified *with* and component parts of one *great university*, over which, the board of regents with *plenary powers* were to preside; possessing all the rights, immunities and privileges, and franchises, in the *full extent*, usually given to such corporations. And yet, not only did the framers of this act of 1787, repeal *both* the preceding acts which gave the regents of the university *these important* rights and *these plenary powers*, but in the same act they created a *new and distinct corporation*, with new and *distinct trustees*, and with a *new style*, to wit: *The Trustees of Columbia College*: and to this NEW CORPORATION (simultaneously created in the same act with the present board of regents) is *transferred*, and

in IT is *deposited*, *all* the rights, privileges and immunities (with the single exception of filling up the vacancy of the president) *before deposited* in the previously existing board of regents of the university; so that THE TRUSTEES OF COLUMBIA COLLEGE stand in *the place* of the original regents of the university, and are clothed with *all* their former powers so far as respects *that college*, then severed and set off as an independent institution; and the trustees of *all* subsequent colleges stand in the *same place* and are clothed with *all* the prospective powers of the *former* board of regents, with respect to *the college* they represent, under a charter giving, with respect to *such college*, all the rights, franchises and immunities, which the charter of Columbia College gave to the board of trust created in said act for *that college*; and the *present* board of regents, formed at the time of the *repeal* of the act that created the *old board* of regents, and by the act creating a *new corporation* under a different name, to succeed to *the powers* of the old board of regents; the present board of regents, so formed, are in this very act divested of *all* those original powers; so that instead of having *all* the *existing* and *all future* colleges under their control, they are not only *deprived of the control* of the college *existing* at the time, but are *required* to give to *all future* colleges a charter vesting in *the trustees* thereof, *the same powers* and privileges vested in *the trustees* of the *then* existing college; so that if the *regents* possess, by the statute, the powers now claimed, then *two distinct bodies* possess the *same powers*—the *trustees* of Columbia College and the *regents* of the University. The latter holding these powers under a statute that has *been repealed*; the former, so far as Columbia College is concerned, under a statute *that is in force*. And all the powers the *trustees* of Columbia College hold, under their charter, the *trustees* of Union College, since incorporated, *hold* under their charter; for the act of 1787, 13th April, creating *the present* board of regents, expressly declares that colleges thereafter incorporated, shall enjoy *all the corporate*



rights enjoyed by Columbia College, incorporated in and by said act.\*

"That when the private founder or endower of a college, or other eleemosynary corporation, has appointed no special visi-

*The very powers which the PRESENT BOARD OF REGENTS claim, the FORMER BOARD OF REGENTS possessed; as will be seen by the following acts, which have both been repealed:*

*"An act granting certain privileges to the college heretofore called King's College, for altering the name and charter thereof, and erecting an University within this state, passed the 1st day of May, 1784.*

WHEREAS, by letters patent under the great seal of the late colony of New-York, bearing date the 31st day of October, in the 28th year of the reign of George the second, the king of Great-Britain, a certain body politic and corporate was created, by the name of the Governors of the College of the Province of New-York, in the city of New-York, in America, with divers privileges, capacities and immunities, as in and by the said patent will more fully appear, &c.

I. *Be it therefore enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That all the rights, privileges and immunities heretofore vested in the corporation, heretofore known by the name of the Governors of the College of the Province of New-York, in the city of New-York, in America, so far as they relate to the capacity of holding or disposing of property, either real or personal, of suing or being sued, of making laws or ordinances for their own government or that of their servants, pupils and others under their care, and subject to their direction; of appointing, displacing and paying stewards and other inferior servants; of making, holding and having a common seal; of altering and changing the same at pleasure, be and they are hereby vested in the regents of the University of the state of New-York, who are hereby erected into a corporation, or a body corporate and politic, and enabled to hold, possess and enjoy the above mentioned rights, franchises, privileges and immunities, together with such others as are contained in this act, by the name and style of the Regents of the University of the State of New-York.

Sects. 2, 3. Irrelevant.

IV. *Be it further enacted by the authority aforesaid,* That the regents of the said University, or a majority of them, shall be and hereby are vested with full power and authority, to ordain and make ordinances and by-laws for the government of the several colleges which may or shall compose the said University; and the several presidents, professors, tutors, fellows, pupils and servants thereof, and for the management of such estate as they may and shall be invested with, that they shall have full power and authority to determine the salaries of the officers and servants of the said colleges; to remove from office any such president, professor, tutor, fellow or servant as they conceive, after a full hearing, to have abused their trust, or to be incompetent thereto.

V. *Be it further enacted by the authority aforesaid,* That all the estate, whether real or personal, which the said governors of the corporation of King's College held, by virtue of the said before mentioned charter, be held and possessed by the said regents, and applied solely to the use of the said college; and that the said regents may, and they are hereby empowered to receive and hold, for the use of the said college, an estate of the annual value of 3,500 pounds, in manner specified in the first above recited charter, or letters patent of incorporation; and for the further promotion of learning and the extension of literature,

tor, or if his heirs become extinct, or can-

VI. *Be it further enacted by the authority aforesaid,* That the said regents may hold and possess estates, real and personal, to the annual amount of 40,000 bushels of wheat, over and above all profits arising from room-rent or tuition money; and that whenever any lands, tenements or hereditaments, or other estate, real or personal, shall be given, granted or conveyed to the regents of the University of the state, without expressing any designation thereof, such estate shall be applied in such manner as TO THE SAID REGENTS SHALL SEEM MOST ADVANTAGEOUS TO THE SAID UNIVERSITY.—*Provided always,* That whenever any gift, grant, bequest, devise or conveyance, shall express the particular use to which the same is to be applied, if adequate thereto, it shall be so applied, and not otherwise.

VII. *And be it further enacted by the authority aforesaid,* That the said regents be, and they hereby are empowered to found schools and colleges in any such part of this state, as may seem expedient to them, and to endow the same, vesting such colleges, so endowed, with full and ample powers to confer the degree of bachelor of arts and directing the manner in which such colleges are to be governed; always reserving to the chancellor and vice-chancellor of the University, and a certain number of the regents to be appointed by a majority of the said regents, a right to visit and examine into the state of literature in such college, and to report to the regents at large, any deficiency in the laws of such college or neglect in the execution thereof; EVERY SUCH SCHOOL OR COLLEGE BEING AT ALL TIMES TO BE DEEMED A PART OF THE UNIVERSITY, AND AS SUCH SUBJECT TO THE CONTROL AND DIRECTION OF THE SAID REGENTS.—*Provided,* That nothing in this act contained, shall be construed to deprive any person or persons, of the right to erect such schools or colleges, as to him or them may seem proper, independent of the said University.

Sec. VIII. Instituting of a professorship of divinity.

Sec. IX. To the conferring of degrees.

X. *And be it further enacted by the authority aforesaid,* That the college within the city of New-York, heretofore called King's College, be for ever hereafter called and known by the name of Columbia College."

*"An act to amend an act, entitled 'an act for granting certain privileges to the college heretofore called King's College; for altering the name and charter thereof, and erecting an University within this state, passed the 1st day of May, 1784.'" Passed 26th Nov. 1784.*

Sects. 1, 2, 3, 4, 5. Irrelevant.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the treasurer of this state, and he is hereby authorized and required, to advance to the treasurer of the said University, for the use of Columbia College, a sum not exceeding 2552 pounds, for which the said regents shall be accountable out of the funds of the said Columbia College."

[The very powers, vested in the former board of Regents by the two foregoing acts, which have been repealed, are by the subsequent act, which is yet in force, vested in the BOARDS OF TRUSTEES of the several colleges; and not in the PRESENT BOARD OF REGENTS, which is created for a different and a specified purpose, and with different and specified powers: See the act which follows:]

*"An act to institute an University within this State, and for other purposes therein mentioned, passed 13th April, 1787.*

Whereas by two acts of the legislature of the state of New-York, the one passed the first day of May and



not be found, the right of visitation devolves on the government, to be exercised in the

the other the twenty-sixth day of November, one thousand seven hundred and eighty-four, an university is instituted within this state in the manner and with the powers therein specified; *And whereas*, From the representation of the regents of the said university, it appears that there are defects in the constitution of the said university which call for alterations and amendments: *And whereas* a number of acts on the same subject amending, correcting and altering former ones, tend to render the same less intelligible and easy to be understood; Wherefore, to the end that the constitution of the said university may be properly amended and appear entire in one law, it will be expedient to delineate and establish the same in this, and repeal all former acts relative thereto:

Sec. I. University instituted, Regents named, &c.

Sec. II. Corporation to appoint a treasurer and secretary.

[Sec. III. Contains the regents powers and duties so far as Colleges are concerned, and is as follows:]

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said regents, and they are hereby authorised and required to visit and inspect all the colleges, academies and schools which are or may be established in this state, examine into the state and system of education and discipline therein, and make a yearly report thereof to the legislature, and also to visit every college in this state once a year, by themselves or by their committees, and yearly to report the state of the same to the legislature, and to make such bye-laws and ordinances, not inconsistent with the constitution and laws of the state, as they may judge most expedient for the accomplishment of the trust hereby reposed in them; and in case the trustees of the said colleges, or any of them, shall leave the office of president of the college, or the trustees of any academy shall leave the office or place of principal of the academy vacant, for the space of one year, it shall in all such cases be lawful for the regents, unless a reasonable cause shall be assigned for such delay to their satisfaction, to fill up such vacancies: and the persons by them appointed shall continue in office during the pleasure of the regents, and shall respectively be received by the college or academy to which they may be appointed, and shall have all the powers and exactly the same salary, emoluments and privileges, as his next immediate predecessor in office enjoyed, if any predecessor he had, if not, then such salary as the regents shall direct, to be paid by the trustees, who shall out of the funds or estate of their college or academy, be compellable by the said president or principal to pay the same.

Sec. IV. Regents may confer degrees.

Sec. V. And apply funds.

Sec. VI. Regents to meet annually at the assembly chamber.

VII. *And be it further enacted by the authority aforesaid*, That any citizen or citizens, or bodies corporate within this state, being minded to found a college at any place within the same, he or they shall in writing make known to the regents the place where, the plan on which, and the funds with which it is intended to found and provide for the same, and who are proposed for the first trustees; and in case the regents shall approve thereof, then they shall declare their approbation, by an instrument under their common seal, and allow a convenient time for completing the same; and if at the expiration of the said time it shall appear to the satisfaction of the regents, that the said plan and propositions are fully executed, then they shall by act under their common seal, declare that the said

college, to be named as the founders shall signify, and with such trustees, not exceeding twenty-four, nor less than ten, as they shall name, shall forthwith become incorporated, and shall have perpetual succession, and enjoy all the corporate rights and privileges enjoyed by Columbia College, herein after mentioned.

[Under the foregoing clause, Union College was incorporated with all the rights and privileges of Columbia College: what the extent of these were, will be seen from the following clauses:]

VIII. *And be it further enacted by the authority aforesaid*, That the charter heretofore granted to the governors of the college of the province of New-York, in the city of New-York, in America, dated the thirty-first day of October, in the year of our Lord one thousand seven hundred and fifty-four, shall be, and hereby is fully and absolutely ratified and confirmed in all respects, except that the college thereby established shall be henceforth called Columbia college; that the stile of the said corporation shall be the trustees of Columbia college in the city of New-York, and that no persons shall be trustees of the same in virtue of any offices, characters or descriptions whatever; excepting also such clauses thereof as require the taking of oaths and subscribing the declaration therein mentioned, and which render a person ineligible to the office of president of the college, on account of his religious tenets, and prescribe a form of public prayer to be used in the said college; and also excepting the clause thereof which provides that the bye-laws and ordinances to be made in pursuance thereof, should not be repugnant to the laws and statutes of that part of the kingdom of Great-Britain called England, except also, that in all cases where fifteen governors are required to constitute a quorum for the dispatch of business, thirteen trustees shall be sufficient: *Provided always*, That the bye-laws and ordinances to be made by the trustees of the said Columbia college, shall not be contrary to the constitution and laws of this state.

Sec. IX. Trustees of Columbia college named, &c.

X. *And be it further enacted by the authority aforesaid*, That all and singular the power, authority, rights, privileges, franchises and immunities, so heretofore granted to and invested in the said governors of the college of the province of New-York, in the city of New-York, in America, by the said charter, excepting as before excepted, shall be, and the same are hereby granted to and vested in the trustees of Columbia college, in the city of New-York, and their successors for ever, as fully and effectually, to all intents and purposes, as if the same were herein particularly specified and expressed; and all and singular the lands, tenements, hereditaments and real estate, goods, chattels, rents, annuities, monies, books and other property, whereof the said governors of the college of the province of New-York, in the city of New-York, in America, were seised, possessed or entitled, under and in virtue of the said charter, OR WITH WHICH THE REGENTS OF THE SAID UNIVERSITY WERE INVESTED UNDER OR BY VIRTUE OF THE SAID ACTS, FOR THE USE OR BENEFIT OF THE SAID COLUMBIA COLLEGE, SHALL BE AND THE SAME HEREBY ARE GRANTED TO AND VESTED IN THE SAID TRUSTEES OF COLUMBIA COLLEGE IN THE CITY OF NEW-YORK, AND THEIR SUCCESSORS FOR EVER, FOR THE SOLE USE AND BENEFIT OF THE SAID COLLEGE; AND IT SHALL AND MAY BE LAWFUL TO AND FOR THE SAID TRUSTEES AND THEIR SUCCESSORS, TO GRANT, BARGAIN, SELL, DEMISE, IMPROVE AND DISPOSE OF THE SAME, AS TO THEM SHALL SEEM MEET.



same manner as where the state itself is the founder," has been truly stated by the regents. But when it is considered that Union College was chartered in 1795, and that several of *the founders*, or donors, named in the charter, are still alive; and that many that are not alive, have left heirs still residing in Schenectady; and that the legal representatives of the original founders, the trustees by them named, together with the eleven state officers, are in the full exercise of their functions, as the assignees of those founders. When this is considered, it is not believed that any inference can be drawn from *the above undisputed doctrine*, or that its relevancy will hereafter be insisted on by the regents themselves.

There is no incompatibility between the exercise of the common law right, of visitation, claimed by the trustees, and that actually conferred on the regents by the statute; both can co-exist; but, according to the claim of the regents, the common law rights of the founders of the college, are extinguished by accepting a charter from the regents, and they are the visitors over funds and an institution, which, when the power now claimed to have vested in the regents, were purely and solely of a private nature, and which then had not received any thing from the state, nor had they guaranteed any kind of endowment. The third section of the act also authorizes to make bye-laws; but for what end? "For the accomplishment of the trust reposed in them." The question then arises, what trusts in reference to this inquiry, were reposed in them? The "trust of visiting and inspecting the colleges, academies and schools, and examining into the state and system of education and discipline therein, and making a yearly report to the legislature."—But such bye-laws and ordinances, were not to be inconsistent with the laws and constitution of the state. If the regents have not the common law right of visitors of Union College, but the founders thereof had, then the inquiring by the regents into the fiscal affairs of the college, is not only not warranted by law, but is directly usurping the rights of the founders and contrary to law.

The trustees have referred to the 7th Sec. of the act of 1787, with the view of show-

ing that the legislature perfectly understood the rights of the founders of private lay eleemosynary corporations. The provisions of that section are in conformity to such rights. The individuals founding the college and furnishing the funds, have merely to submit their plan to the regents, the place where, and the funds with which it is intended to found a college; and the regents have only the power of assenting thereunto or refusing; if they assent, then the founders give the name to the college and approve of the persons nominated as trustees. It no where appears from this act, that the regents or the state are expected to be contributory to the funds of any such college; and if they afterwards do so, it is an act proceeding from their munificence, and cannot abridge the rights of the first founders.

Nor can the trustees admit that the act of 1787 did place, as the regents assert, any funds at their disposal, and although it did authorize them to incorporate colleges and academies, and did give them power to apply such part of their estate and funds as they might think most conducive to the promotion of literature, and the advancement of useful knowledge, this, however, was a power to be prospectively exercised, when the regents had funds: for then they had none, nor did they endow, nor in the least contribute, as has been before stated, to the funds of Union College, until long after its institution.

The trustees do not impeach the motives of the regents, in adopting their mandatory resolutions in regard to Union College; and they have cause to regret, (that although the legislature, to whom alone the trustees of Union College supposed themselves bound to make the exhibit in relation to the grant of 1805, were for aught they know, well satisfied with their report) that the regents who had no concern with it, were not.

The trustees, however, have yet to learn, that because one political body of men, suppose the power they claim to exercise towards another political body, may have proper ends and objects in view, that therefore the power itself must be deemed to exist. And they have also yet to learn, that any practical construction of the powers now claimed by the regents, has ever



before been given by that body or acquiesced in by either of the colleges; and this the trustees aver to be the first instance of any attempt of the kind; and as this is matter of record, if the facts have occurred, the trustees appeal to the record; and should the trustees be found to be correct, then the non-exercise of this power, from the enactment of the law until the present period, will be strong evidence that no former regents supposed that board possessed such power.

The trustees humbly conceive, that the repeal of the act of the legislature of the 21st of May, 1784, and particularly the 7th section of that act, which declared that every school and college founded by the regents, were at all times to be deemed a part of the university, and subject to the control and discretion of the regents, and also vesting in the regents the estate annexed to such a school or college, with power to apply the same according to the intention of the donors; and instead thereof, having only given to the regents, by the act of 1787, the power to visit and inspect colleges, academies, and schools, and examine into the state and system of education and discipline therein, and make a yearly report thereof to the legislature; shows most manifestly an intention on the part of the legislature, to abridge the powers of the regents derived under the act of 1784, by separating the colleges from the board of regents, and by withholding from them the estates of the colleges, and by withholding from them also the subjection and control which the act of 1784, gave them over the colleges.

Whether the power claimed by the regents (if it be not vested in them) resides in the legislature, or in some department of the judiciary, is not now a question for discussion; but even admitting that the power claimed by the regents exists somewhere else than in that body, that consideration can be no sound argument for the assumption of the same in the present instance, by the regents.

With respect to the preamble and clause relative to Union College, which is contained in an act relative to the city of Schenectady, and passed in February last, the trustees believe themselves above all reproach or insinuation. The propriety of amend-

ing the act of 1805, for the endowment of Union College, was made manifest to the legislature, by the facts stated in the recital of that clause; so manifest indeed, that the clause passed both branches unanimously. And the trustees cannot believe that the progress of instruction in Union College will be impaired or retarded, or that any state objects will be defeated thereby; or that the legislature will believe so when it is recollected that the governor and lieutenant governor, the chancellor, the judges of the supreme court, and all the principal officers of government are trustees of the college; and when it is further recollected that these state officers will be a majority of the whole board in the election of all future members.

The communication made by the regents to the legislature, states that the effect and operation of the clause above referred to, were not obvious without minute explanations were communicated to the legislature, and if they were not so communicated, or if the effect of the law be ambiguous or contrary to the intent of the legislature, it is for them to determine whether an amendment or repeal is proper in relation to it.

At this part of the communication, the trustees cannot withhold the expression of their entire astonishment. The assent of the legislature to add the governor and lieutenant-governor to the number of trustees, *ex officio*, was certainly assenting to a plain proposition; that the trustees not *ex officio*, should remain the same in number, as they at present exist in said board, was equally plain; and that vacancies occurring hereafter, therein, should be filled in the same manner, that vacancies have been heretofore filled at said board, was not susceptible of a doubt or misunderstanding.

The trustees recognize in the board of regents, many individuals eminent for their legal and scientific attainments, and they must therefore attribute to the want of time for reflection, the suggestions of that honorable body, in their communication relative to an amendment or repeal of the clause, which has passed the legislature, and become a law, by the trustees filing their consent thereunto in the office of the secretary of state.

Is it meant to intimate that there was a-



ny concealment of the number of the existing trustees? This *cannot* and *will not* be asserted; nor *can* it nor *will* it be asserted, that the operation of the law in question, in relation to the filling up of vacancies by the board of trustees, was not *fully explained to members of both houses of the legislature*, to be communicated if called for.

And yet it is proposed to repeal or alter an act of the legislature, because the effect and operation thereof, is presumed not to have been communicated, (when it was communicated and must have been known to every member, by whom the same was not deemed too unimportant to ask for the communication) and an act is recommended to be repealed or amended, because it is either ambiguous or contrary to the intent of the legislature.

It is, as the trustees have been taught, the duty of the judiciary to construe statutes; and if they are so ambiguous as to admit of no sensible interpretation or construction, then they are nullities.

And the trustees had supposed, that it was competent to the legislature to alter and amend, and repeal a former law granting powers or rights to a corporate body, with the express assent of that body, whilst they had always been instructed, that no law, in the nature of a private grant, could be abrogated, amended or modified without the express assent of the grantee.

And the trustees are fully persuaded, that at this enlightened period, no legislature, mindful of the *rights* of corporate bodies, of the *kind* and *nature* of Union College, and acting under an oath to support the constitution of the United States and the constitution of this state, will ever listen to such an alarming suggestion, that an act granting a right to a private eleemosynary corporation, with the express assent of such corporation, can be so summarily got rid of, as by either being repealed or amended, without the consent and against the will of the grantee.

This great principle, that the grant of a charter of the kind and nature of that to Union College, is A CONTRACT WITHIN THE MEANING OF THE CLAUSE OF THE CONSTITUTION OF THE UNITED STATES, (article 1. sec. 10. which declares that no state shall make any law impairing the obligation of contracts,) and that the same cannot there-

fore be altered, in any material respect, by the legislature, without the consent of the corporation, which was most solemnly adjudged in the case of the trustees of Dartmouth College vs. Woodward, (4th Wheaton, 482) a case which it is believed elicited as much discussion and legal learning, as any that ever arose, or was adjudged in this country.

And when it is considered, that the decision of the supreme court of the United States, upon a principle of *constitutional law*, is binding on *every legislature* of this confederated republic, and upon all their several courts of justice, it cannot be believed, that the legislature of the state of New-York, a state celebrated for its adherence to good order and principle, will either disregard or violate a principle, thus adjudged by paramount authority.

The trustees admit they are not placed beyond the reach of law. "As managers of the revenues of the corporation, they are," in the words of Mr. Justice Storey, "subject to the general superintending power of the court of chancery, not as itself possessing a visitorial power or right to control the charity, but as possessing a general jurisdiction, in all cases of an abuse of trusts, to redress grievances and suppress frauds."

The trustees, having just received the report of the chairman of the committee on colleges,\* cannot refrain from expressing to your honorable body, their surprise, that the chairman of that committee, to whom all the documents were referred, as well on the part of the trustees of the college as of the regents of the University,

\* The report alluded to is, in the form of a resolution, as follows:

"Mr. Verplanck, from the committee on colleges, &c. reported the following preamble and resolution, which was adopted:

Whereas a controversy has arisen between the regents of the University and the trustees of Union College, on the question whether the rights of visiting possessed by the regents, includes the power of inquiring into the financial concerns of the several institutions under their visitorial jurisdiction, and especially into those of Union College; and whereas also, by virtue of the last section of the act relating to the city of Schenectady, the power of the regents to fill up future vacancies in the board of trustees of Union College, which was the express condition of the munificent grant which Union College has received from the state, has been transferred to the said board of trustees; and whereas this clause was hastily and unadvisedly passed, without any direct or open application on the part of the college, and without the informa-



should cause the whole of what the regents had stated in their report to be printed, but no part of what the trustees had stated to the regents, in reply.

And although these documents were referred to the committee, only on Monday; and although no formal meeting of said committee had afterwards taken place; and although the treasurer of Union College had been, as he affirms, denied by the chairman of that committee, the privilege of appearing before them, on the part of the institution; and although, as the trustees have been informed by different members of that committee, that the documents submitted to them had not been so much as read, yet did the chairman of that committee make, on Tuesday morning, a report containing recitals and resolutions, which were intended to commit the house on the whole subject matter at issue, and secure its indirect countenance to statements, not only utterly unfounded, as is believed by the trustees, but statements, for the truth of which it had been shown in the *unread* documents in the possession of the chairman, that there was not even so much as a shadow of evidence.

An attempt of so singular a character, an attempt to prevent explanation to the committee on the part of the college, and without the reading or printing of their do-

tion relating to the subject being laid before the legislature; and its effect and operation do not appear, from the language of the law itself, but result from facts not known to the legislature which passed it; and whereas in the opinion of this house, unless the authority of the legislature therein be restrained by some general constitutional principle, founded in considerations of public policy, and protecting vested corporate rights, however acquired, the honor and purity of our legislature, as well as the interests of learning, demand an immediate repeal of the section aforesaid—Therefore,

*Resolved*, That so much of the annual report of the regents of the University, as relates to Union College, together with the accompanying documents, be referred to the Attorney-General, and that he be instructed to report to the next legislature, his opinion on the question in dispute between the regents and trustees of Union College; and also on the right of the legislature to repeal the law passed during the present session, in relation to the mode of filling up vacancies which may occur hereafter in the board of trustees of Union College."—*New-York American*.

§ The following words were in the report, as prepared by the chairman of the committee on Colleges, but were stricken out at the instance of Mr. Bradley, one of the members of said committee, before the same was reported to the Assembly—"And which there is reason to believe was intentionally concealed from them."

cuments, to condemn a public institution without a hearing, and to induce the legislature, before the means of judging on the question at issue, had reached them at all, to make a decision that compromised their own honour, as well as the honour of Union College, an attempt to do this carries with it its own explanation.

And the trustees cannot but feel it to be no mean tribute paid to their integrity, so far as it respects the use of funds, and to their arguments so far as respects chartered rights, and to the fairness of their own conduct, so far as it respects the passage of the law of the present session; that the ground taken on all these points, should be changed by their opponents, in every successive communication made by them in the progress of this whole discussion, and that in the conclusion thereof, it should be practically conceded by the chairman of the committee on colleges, that if the legislature were brought to express an opinion, unfavourable to Union College, at all, on the questions at issue, they could only be brought to do this before those documents met their eye, which alone contained the facts and arguments on which an opinion, conformable to truth and evidence, could be formed.

All which is, in great haste, respectfully submitted, in behalf of the trustees of Union College, by a committee appointed for that purpose.—April 23d, 1823.

ELIPHALET NOTT,  
ALEXANDER PROUDFIT,  
GUERT VAN SCHOONHOVEN,  
SAMUEL BLATCHFORD,  
JAMES C. DUANE,  
JOHN YATES,

} Com-  
mittee

*In Assembly, April 23.*

Mr. Birdseye, offered a *substitute* for the resolution offered on the preceding day, by the chairman of the committee on colleges, ordering all the documents to be printed and referred to the next legislature: which substitute was accepted.

*In Assembly, April 24.*

Mr. Lynch renewed the resolution offered on the 22d by the chairman of the committee on colleges, with the omission of some expressions; which resolution and recitals are as follows:

"Whereas a controversy has arisen between the regents of the University and the



trustees of Union College, on the question whether the right of *visitation* possessed by the regents, includes the power of inquiring into the financial concerns of the several institutions under their visitorial jurisdiction, and especially into those of Union College: *And whereas also*, by virtue of the last section of the act "to amend an act entitled an act relative to the city of Schenectady, the power of the regents to fill up all future vacancies in the board of trustees of Union College, (which was the express condition of the munificent grants which Union College has received from the state) has been transferred to the said board of trustees: *And whereas* THIS CLAUSE WAS HASTILY AND UNADVISEDLY passed, without any petition from the college, and without the proper information relating to the subject, being laid before the legislature; and its effect and operation do not appear from the language of the law itself, but result from facts not known to the legislature: *And whereas* in the opinion of this house, unless the authority of the legislature therein, be restrained by some general constitutional principle, founded in considerations of public policy, and protecting vested corporate rights, however acquired, it is due to this legislature, as well as to the interests of learning, that the aforesaid section be repealed: Therefore,

*Resolved*, That so much of the annual report of the regents of the University as relates to Union College, together with the accompanying documents, be referred to the attorney-general; and that he be instructed to report to the next legislature his opinion on the question in dispute between the regents and the trustees of Union College; and also, on the right of the legislature to repeal the law passed during the present session, in relation to the mode of filling up vacancies which may hereafter occur in the board of trustees of Union College."

FURTHER REPORT OF THE TRUSTEES.

*To the Hon. the Legislature of the State of New-York.*

The trustees of Union College (having been informed that the resolution offered in the Assembly on Tuesday the 22d inst. by the chairman of the committee on col-

leges, has been renewed by Mr. Lynch, with some modification in the preamble or recital thereof) hasten to state to your honourable body, that they have not the least objection to the proposed reference to the attorney-general, whom they esteem to be a man of talents, and legal learning, and who, they doubt not, will give an opinion consonant to law, satisfactory to the parties, and creditable to himself, as the legal adviser of a great and just state.

Nor have the trustees the least objection to the preamble or recital to the resolution, making this reference, *if, on examination*, the same shall be found, in the judgment of the Assembly, to be consonant to truth. But, whereas, the *mandamus* served on the trustees by the regents, was communicated to the House on the 19th inst. and was referred to the committee on colleges, was printed, and is now before the Assembly; and whereas the *replication* made by the Trustees to that *mandamus* was communicated to the House on the 21st inst. and was referred to the same committee, with directions to print such parts thereof as might appear to them necessary; and whereas no part of this replication has appeared necessary to be printed, or even read by the committee to whom it was referred; and whereas the same has not been read by the Assembly; and whereas *the additional statement*, and *the more matured and extended argument*, on the whole subject of the controversy made in the annual report of the regents to the Legislature on the 21st inst. and referred in the Assembly to the same committee, has been fully printed and is now before the House; and whereas the *replication* to this *additional and more matured and more extended argument* of the regents, presented to the Assembly by the trustees of Union College, has neither been printed or read by your hon. body, or by any member thereof, so that the entire statement of the whole case, as it has been presented to the House, is a statement *purely and exclusively ex parte*; the trustees of Union College believe that it is due to themselves as a party concerned, and that it is equally due to the *honor* of the Assembly, as an impartial umpire, that said Trustees should be heard before any opin-



ion, however informal or indirect is expressed.

Nor does it, in the opinion of the trustees, materially alter the case, that all the imputations, originally contained in said preamble or recital, have been stricken therefrom, (and that the honourable mover publicly testified at the time of renewing the same, his confidence in, and respect for the trustees of Union College, sentiments which they cheerfully reciprocate,) for though no imputations are now to be found therein, if the *opinion expressed* and the *reasons assigned* for those opinions (owing to haste or to the want of information) shall on examination turn out to have been expressed and assigned in error, the honourable mover himself, as well as every honourable member of the House will regret that such preamble during the hurry of the morning of an adjournment, should have been prematurely passed.

And though it may be wise and expedient to make the reference in question to the attorney-general, it seems to the trustees, that to be fairly made it should be made on its own *simple merits*, and without any anticipated expression of the opinion of the body making the same; who ought to remain in the attitude, (not of a party) but of an uncommitted and unbiased umpire between the parties, till the questions accompanied with the additional light which the attorney-general may be expected to shed upon them, shall be brought back and again presented for impartial and ultimate decision.

If the trustees have been rightly informed, the *preamble* or recital alluded to (for they have not been able to procure a copy thereof) sets forth that the law of Feb. 14th, 1823, was *hastily* and *unadvisedly* passed; without the *proper information* relating to the subject, and that *its effects and operation do not appear from the language of the law itself; and if policy do not forbid that it is due to the interests of learning and to the legislature, that the same be repealed.*

How **HASTILY** this law was passed will appear by a reference to the journals, which record the following facts: the petition from the corporation of Schenectady, was referred to a committee of the Senate on

the 9th day of January. To which committee the clause concerning Union College was handed by the treasurer thereof. On the 15th day of January this committee reported by bill, and on the 29th day of January said bill passed the Senate and thence was sent to the Assembly. On the 12th day of February, it passed in committee of the whole; passed the House on the 13th day of February, and receiving the signature of the governor on the 14th day of February, became a law of the state just five weeks and one day after the committee, to whom the business was explained, were appointed in the Senate. The trustees do not comprehend how a law that made its way *so very leisurely* through *both Houses*, can be declared to have been *hastily* passed.

How *unadvisedly* this law was passed, will appear from a mere inspection of the law itself, (*See page 3.*) which distinctly and truly states the material facts which rendered the passage thereof necessary, viz: that the original compact entered into, agreeably to the act of March 30, 1805, had *been violated* by the practical operation of the new constitution, in a material point; and therefore that it had become indispensable, that the proffer of a new compact should be made: and that such new compact proffered, to become available to the state, must be such a compact as the trustees of Union College would consent to accept. And the treasurer of Union College, informed the committee of the Senate, that the proffer contained in the clause in question, would be acceptable; adding, that the effect of it would be to perpetuate, in the board, the right of filling up vacancies, and to place them, in this respect, on the same footing as the other colleges were placed. The same explanations were given to other members of the Senate, and also to several members of the Assembly. What more was necessary to be known on the one part, or to be communicated on the other?

As the trustees did not purpose to avail themselves of the numerical majority which might have accrued to them, in consequence of the violation of their original compact made with the state; but on the contrary, as they did purpose that the direct influence of the state, in their board,



should be restored and even increased, they instructed their treasurer to consent to the adding of the governor and lieutenant-governor; or the four Senators of the district, or even any greater number of Senators, to the number of trustees ex officio, as should be most agreeable to the legislature.

The trustees do not admit, because they do not believe, that the law in question has even taken from the regents, the (so much regretted) right of filling vacancies in the board. On the contrary, they contend that this right of filling vacancies had never yet vested in the regents, and that the adoption of the new constitution (and before the act in question was thought of) had rendered it impossible that such right should ever so vest. And if the regents themselves had not been convinced of this, why did they not consent to submit the question for adjudication, to the one or the other of the high judicial tribunals; to the decision of which, and at the option of the regents, the trustees proffered to refer it.

That *all* the rights and advantages *acquired* by this new compact, have been acquired by *the state*; and that all the rights and advantages *relinquished*, have been relinquished by *the trustees*, is their deliberate and solemn conviction. And yet they have not the apology to offer, that their acceptance has been either *hasty* or *unadvised*. For the guiding of their own judgment and conduct in this respect, they referred to a committee, (the members of which were perfectly acquainted with all the circumstances attending the passage of the act of March 30th, 1805,) the following question and received thereto the following answer:\*

QUESTION. "Whether the trustees of Union College after the adoption of the new state constitution were bound, either in *equity*, or in *law*, to acquiesce in the filling up of vacancies in their board by the regents; and whether the regents, though no law had been passed on the subject, could have claimed, *with effect*, the right so to fill up said vacancies *against the consent* of said trustees?"

ANSWER. "By an examination of the 13th clause of the act passed March 30th,

1805, which is in the words following, to wit: (*See note, p. 28.*) and which clause, on being accepted by the trustees of Union College, became a contract, and therefore the terms of which must be construed strictly, and the several conditions of which must be taken together as forming one whole compact; and the several conditions stipulated by the party of the one part, must be performed in every material point to enable such party to claim, with effect, the performance or acquiescence in the performance, of any consequent condition by the party of the other part; by an examination of the clause as aforesaid, it appears,

1st. That the legislature did not at the time intend to guard against the then existing twenty-four elective trustees, who were the assignees of the original founders of Union College, as against an adverse interest, by securing to the state officers a majority over them in said board. For the clause of the act in question not only does not require the immediate reduction of their number to *ten*, as a condition of the proffered grant, but it does provide that it shall not be so reduced except by death, resignation, or removal: thus giving, both to the number and influence of these twenty-four elective trustees, existing at the time in said board, all the perpetuity in the power of the legislature to give to either; and but for the mortality or choice of those trustees (so far as the act of 1805 was concerned) there never would, at any future time, have been any vacancies in said board for the regents to fill.

2d. It appears, that with respect to the provisional trustees thereafter to be introduced into said board, neither by the state, nor by the assignees of the original founders, but by the regents, the act of 1805 does guard, with the most cautious circumspection, as against (what might thereafter become, either as respected the state, or as respected the assignees of the original founders of said college) an adverse interest; and does expressly and definitely stipulate, that no vacancy shall be so filled up by said regents, till the whole board shall be reduced to *twenty-one*, and the elective trustees to *ten*, that is, to a *minority* of the whole board, the state officers being *eleven*.

\* An answer since confirmed by the opinion of some of the ablest jurists, in this and other states.



or a *majority* of the whole board : and it is on these express conditions and under these cautious and precise stipulations and restrictions, that the legislature *offer* and the trustees of Union College *consent*, that the regents shall ever thereafter acquire the right of so filling up vacancies that may occur in said board.

Now, to ascertain whether the regents could claim, with effect, the right of so filling up vacancies after the adoption of the new constitution, it is only necessary to ascertain whether the board of trustees, in Union College, after the adoption of said constitution, was constituted with respect to its *whole number* of trustees, and with respect to its *whole number* of state officers, and with respect to the *numerical minority* of its elective members, as it was *stipulated* in 1805 that it *should be constituted* when the regents were thereafter to acquire at some time, then future, the right of filling vacancies. But after the reduction of the number of the judges by the new constitution, it is *self evident* that the board of trustees of Union College, was *not so constituted as had been stipulated, in any one of these respects*; and if it was not so constituted, then the *antecedent* condition being voided, on the part of the state, the *consequent* condition became voided on the part of the trustees. For the trustees of Union College might, in 1805, have had good reasons for *consenting*, that the regents should fill the vacancies of *ten* elective trustees in their board, when it should consist of *twenty-one members*, the eleven state officers being and continuing a *majority* of the whole board; and in 1823, they might have reasons equally good *against* the regents' filling the vacancies of the ten elective trustees in said board, when it consisted of only *nineteen* members; the *nine* state officers being a *minority* of the whole board, and the *ten* elective trustees, eligible by the regents, having, contrary to stipulation, become a *majority* of the whole board.

These several particulars were deemed *so material*, in 1805, that they were made *express conditions, and stipulated* for in the very terms of the contract, then proffered by the state, and consented to on the part of the trustees: and as a party to that original compact, the trustees have a right to

consider and decide for themselves, whether these several particulars, stipulated for in 1805, have become any *less* material in the year 1823. And if they decide that they have not, they cannot be compelled now to take what they deem a disadvantage, without taking, along with such disadvantage, *the full original amount* of benefit, and the precise kind of benefit stipulated to be given by the state, and accepted by the trustees as their equivalent therefor.

It does not affect the equity of the case, that, under the new constitution, no more than three supreme judges existed, and of course that no more than *nine* state officers of the *kind* stipulated for, existed, to be placed in said board of trustees on the part of the state. For, that the *full* original number of state officers did not exist was not owing to any default on the part of the said trustees; nor did the reduction of that number take place by their *consent*: and besides, if no more than *nine* of the *eleven* state officers originally stipulated for, were in existence, then it had ceased to be any longer in the power of the state to give what it had stipulated to give in 1805, as an equivalent to the board of trustees for yielding to the regents the right of ultimately filling the vacancies of the *ten* elective trustees, and on the *faith of which stipulation*, the consent of the twenty-four trustees, then existing in said board, was given to the proposition so made concerning the filling of said vacancies. And, it being out of the power of the state to give the equivalent, originally stipulated to be given to the board of trustees for the surrendry of this right, it was not competent for the regents to claim in equity the exercise thereof; nor could they in equity have ever claimed it, till the *original equivalent* stipulated to be given for the surrendry thereof, *had been given* to the trustees on the part of the state; the giving of which had become impossible, and must continue to be impossible, during the continuance of its present constitution.

And since the supreme court of the United States have decided, that such a charter as Union College possesses, is, in its nature, a compact within the meaning of the clause of the constitution that declares, that no state shall make any law impairing the ob-



ligation of contracts; and since it has also been decided, that the altering of the number of the trustees in such a board, so as to make the same either more or less than they existed by charter, without the consent of the members who compose it, is a violation of such charter. *The law as well as the equity* of the case, on this question, is clearly with the trustees, and not with the regents."

The trustees believed, when accepting the late act passed February 14th, 1823, that they were, by such acceptance, relinquishing much more than ever could be claimed of them with effect, either in equity or law: still they relinquished no more than they were willing to relinquish *to the state*, from the direct influence of whose officers, past experience had taught them, they had nothing but good to apprehend. And if by the acceptance of that act the trustees have gained any thing (except so far as the adding of the governor and lieutenant-governor to their board may be accounted gain) they have yet to learn what it is that *they have gained* or what it is *the state has lost*. Still, however, if the legislature should think otherwise, and decide as the preamble before the Assembly is said to affirm, that said law was *hastily and unadvisedly passed* the trustees assure your honourable body, as they have before assured the regents, that they will not avail themselves of any advantages to be gained by virtue of an act *so passed*. And that waiving the entire benefit of its supposed, *hasty and unadvised* provisions; they will, if the legislature consent thereto, agree to refer the *whole case* either to the chancellor or to the supreme court or to both of them together, and will bind themselves to abide the issue: and to claim thereafter, the exercise of *no other* rights and to *no greater* extent, than shall have been decided (by said chancellor or judges, or both as the case may be) to have *vested in said board* of trustees previous to, and independent of, the passage of said act of February 14th, 1823.

And yet the trustees are well satisfied with this law, and chiefly because it restores and increases the direct influence of *the state* in their board. If they have not evinced the same cordiality, with respect to

the direct influence of the regents, it has been because they had reason to apprehend that *that* influence might become injurious. And how should it be otherwise? They had been told by individual regents, as well as by many other persons, that some of the younger members of that board disapproved of the whole plan of the existing colleges: and that it had been said in terms and as an argument for increasing their number, "*the more colleges the merrier, and let them all go down together.*" Such opinions may be honestly held; they may perhaps, in the abstract, be sound opinions; still the trustees of Union College trust that they shall be pardoned for not thinking those who hold the same, the safest guardians of the institution committed to their care.

Nor is this all. For (though the report of the regents seems to carry the idea, that the mandamus they have issued, sprung out of the report of the trustees *for the present year*, and of the supervision they were hereafter to have over the lotteries,) the trustees had previously been informed and by members of the board of regents, that the same measure was proposed, by the same individuals, the last year. And it has long been well understood by many persons in Albany and in New-York, that preparations were making for an attack on Union College. At any rate it is now *eleven months* since the trustees were forewarned thereof—and forewarned of the time when, the manner in which and the persons by whom the same was to be made, and the effects (by no means calculated to inspire confidence) which it was expected to produce. And this forewarning had been given them at different times and by different persons, and without a single inquiry having ever been made on their part. For, conscious of their own integrity, and knowing the *success*, as well as the fidelity with which they had managed the college concerns, they cared not how strict a scrutiny was held, nor by whom, nor how soon it was commenced.\* They were, however,

\* Notwithstanding the abuse of funds, which the regents have felt at liberty to impute to the trustees, it is believed that they will not find it easy to designate the institution under their care, which, with the *same means*, in the *same time*, has accomplished *more*. Or, if they can, it must be owing to the greater skill, and



forewarned; and if that forewarning was not founded on information, it is strange, that in every respect, except the effects to be produced, the same should, with such prophetic accuracy, have come to pass. And now that it has come to pass, the trustees do not apprehend, that it will appear surprising, that they were not willing that *the regents* should, by a mere contingency acquire a *perpetual majority* over the *state officers* in the board of Union College.

Any arguments which the regents might have offered to establish their right to elect (contrary to stipulation) a MAJORITY of the trustees in the board of Union College, would have been considered with attention and met only by arguments. But, in place of arguments, that they should have repeated to the legislature, what they had before asserted to the college (that "*a law has lately been passed, which in its operation, though not perhaps in the intention of the legislature, RELINQUISHES THAT DIRECT INFLUENCE IN THE LOCAL GOVERNMENT OF UNION COLLEGE, which, in consequence of the endowment of 1805, the state then deemed it desirable to secure.*") And that this assertion should be got before the Assembly, unaccompanied by its refutation, at the very heel of the session; and though more than two months have elapsed, since the law was passed, which it is now asserted has made such relinquishment) excites only surprise and regret.

In their mandamus to the college, served on the 27th March, the regents declare ex-

not to the more rigid economy of such institution.—For the trustees aver, that though the plans have been adopted, the materials purchased, the workmen employed, the execution superintended, and the accounts audited and settled, during the finishing of the old and the erection of the new edifices, by their committees or officers, these services have been gratuitously performed; nor has a single dollar ever been paid therefor, during the whole eighteen years in question. And though the natural beauty of the grounds they have selected, and the great simplicity and symmetry of the plan they have adopted, are the chief causes of that air of elegance, which their present establishment assumes; still it is a fact, that the little of ornament that has been superadded, has been gratuitously superadded and paid for out of funds not belonging to the board: those walks, and gardens, and groves, so conducive to health and virtue, as well as to comfort and beauty, have been designed and executed either by graduates or other individuals, who have felt an interest in the college, and have been paid for from funds exclusively their own.

pressly that, "*the number of elective trustees has not as yet been reduced to ten.*" In their report to the legislature they declare that *no information has been transmitted to this board, that the number of elective trustees had been reduced to LESS than ten;*" and yet they add, "*And if the number of trustees have not been reduced to TEN, the effect of the act,*" (of Feb. 14) "*if carried into operation will be to preclude the POSSIBILITY of the ex-officio trustees ever forming a MAJORITY of the board.*"

Why was this assertion ever made by the regents? Especially why, after the replication of the trustees, is it repeated at the *eleventh hour* to the legislature? Or why is the material and the well known fact concealed, that the *state* had *lost* the advantage of a *majority* in the board of Union College by the operation of the new constitution; and that the regents (contrary to stipulation and by a mere contingency) had *gained* over the *state* that *advantage*; a fact of which the regents surely were not ignorant, and yet a fact to which they have not made, in their report of the case, the slightest allusion. On the contrary and with apparent concern that this *majority* should be lost to *the state*, they preface what they have to say respecting the danger of its *loss*, by informing the legislature (see p. 35) that "*the regents upon application of the trustees, amended their charter as directed, so that by the operation of the act of 1805, the STATE OFFICERS would not only have constituted a majority of the whole number of trustees when reduced to twenty-one:*" and as if they were even yet ignorant that the same *state officers* only constituted a *minority* of the whole board *now* that it had become reduced to *nineteen*, they inform the legislature with apparent gravity, that "*if the number of elective trustees have not been reduced to ten, the effect of the act (the late act) if carried into operation, will be to PRECLUDE THE POSSIBILITY*" (of what had already become impossible) "*of the ex officio trustees ever forming a majority of the board.*"

With equal apparent concern and gravity the chairman of the committee on colleges, withholding from *the press* the documents which correct this misstatement,



moves a reference to the attorney-general, to ascertain whether it is possible for the legislature to repeal this act which it is said will deprive the state of its previously existing majority in the board of Union College; and that too, when the trustees offer (whether it be possible to repeal this act or not) if the opposite party desire it, to wave all rights acquired under the same, and to submit the question at issue to the proper legal tribunals.

Their report proceeds: "*And at all events to reinvest in the college the right of election to future vacancies amongst the trustees not ex-officio; in other words to repeal the express condition and stipulation upon which the grant of 1805 proceeded.*" Do the regents mean by *the college*, the original trustees? If they do, the statement is incorrect. If they do not, why was the statement made? or rather if any statement was made, why not the precise statement, that THE STATE OFFICERS would forever be a MAJORITY of the *whole board*, in the filling up of every future vacancy? Again—Do the regents mean that it should be understood by the legislature, that the filling of the vacancies of *a minority* of the trustees in the board of Union College, was the *only* and the *whole* of the condition and stipulation upon which the grant of 1805 proceeded? If they do not mean this, why have they expressed themselves as though this were their meaning? When by a mere inspection of the act (p. 28. sec. XIII.) it will be perceived that it enumerates *ten* particulars, of which the filling of vacancies by the regents is but *one*: a particular too, prospective and contingent merely: and that *the same* should not become available to *the regents*, except under circumstances which do not and cannot now exist, the act itself provides.

Their report proceeds—"and thus deprive the state of ALL EFFICIENT influence and control in the DIRECT management of an institution so munificently endowed."

Again it may be asked, is it meant that it should be understood by the legislature, that this act, (having taken nothing from the state which it before possessed) has, by the MERE ADDING of the governor and lieutenant-governor to the number of state officers previously existing in said board; and

by the adding to the rights *those officers* before possessed, the further right of filling vacancies thereafter to occur therein; is it meant that it should be understood that this addition has literally annihilated the previous existence of those officers and of their powers as trustees, and will therefore deprive the state of *all efficient influence and control* in the very board, *to which* and in behalf of the *state*, these additional members and these additional powers, have been added? and if this be not meant, why should it be said, or rather why should not the real and the whole truth be told? to wit: that this law however *hastily and unadvisedly* it may have been passed, has actually *restored to the state that majority* in the board of Union College which the *state* had previously *lost*, and which the *regents* had previously *gained*: and that it has also restored to *the state* not only all "*that direct influence in the local government of Union College, which, in consequence of the endowment of 1805, the state then deemed it advisable to secure;*" but that it has also conferred on and secured to *the state*, (in addition to "*all its*" former "*efficient influence and control in the direct management of an institution, so munificently endowed by its bounty,*") A SUPREME AND UNDISPUTED CONTROL in the filling of all future vacancies; which vacancies, but for this act, *the regents* were to fill, and to *the extent* of an entire *majority*: and that, to take away this *majority*, and this *supreme control* from *the state*, and give them back to *the regents*, who, by the contingency alluded to, were believed to have acquired *both*, is the *true* reason, and the *whole* and the *only* reason, why the interests of the state and of literature, so imperiously require that this abused law should be immediately repealed.

When this is stated and understood, and when it is further stated and understood, that *if this law be repealed*; and if the regents can maintain, under the *former law* and by virtue of a compact that has been *violated*, their assumed right of filling vacancies in the board of Union College, *then the state loses* for ever and the *regents gain*, contrary to stipulation, the advantage of a *majority* in that board.

On the contrary, if the regents cannot



maintain, under existing circumstances, this assumed right (and so confident are the trustees that they can not, that they are willing the *right claimed*, should be put at *legal issue*) then the *state loses* for ever, and the *elective trustees* gain the supreme control in the board of Union College. So that in *either* alternative, by the *repeal* of the act in question, the state will *lose* that efficient and controlling influence, which, by the *passage* thereof, it had *gained* in the local government of said institution; and all that the *state loses* either the *regents* or the *original trustees* will *acquire*.

To those who believe, (let who will be the gainers,) that at all events it is incumbent on the state, for its own interests and the interests of literature, that it should get rid, as speedily as possible, of that *entire ascendancy* which it has now acquired in the *local government* of Union College; to those who believe this, it will doubtless appear a duty to vote for the recital and resolution, as the same is now offered to the Assembly.

But it surely cannot be deemed claiming too much, on the part of Union College, (which desires that the influence of the state in its board, may be preserved) to claim merely, before the question is taken, that the documents submitted to the house may *be read*, so that members may understand the import of the propositions for which they are so hastily called to vote at the hour of separation, and during the hurry of an adjournment.

The trustees can not close these remarks, without expressing their regret, that they have not been able, in every instance to avoid the use of the terms, *the board of regents*, since they are fully aware that the measures, of which they have been reluctantly compelled to speak with freedom, from the moment they were understood, ceased to receive the approbation of many of the members of that honorable body.

All which is respectfully submitted, in behalf of the trustees, by a committee appointed for that purpose.—*Albany, April 24th, 1823.*

ELIPHALET NOTT,  
ALEXANDER PROUDFIT,  
GUERT VAN SCHOONHOVEN,  
SAMUEL BLATCHFORD,  
JAMES C. DUANE,  
JOHN YATES,

} Com-  
mittee.

*N. B.* Before the foregoing communication reached the Assembly; and before any part of the defence of Union College had been read, Mr. Lynch's resolution passed, and the legislature adjourned.

The same report and documents were sent, by the regents, to the Senate, and were referred to a committee on the same day that the reference thereof, was made to the committee on colleges in the Assembly. But the committee of the Senate, (not having time to read the documents, and not choosing to report thereon till they were read,) returned the same without report, to the files of that house.





## APPENDIX.

### OPINION OF THE LATE CHIEF JUSTICE SPENCER.

I have considered the points in controversy, between the regents of the University and the trustees of Union College, and the whole case may be resolved into three questions :

1st. Whether the regents possess, in the technical import of the terms, visitatorial powers, either at common law or under the statute, over Union College; and have, therefore, a right to require from the trustees an exposition of their financial concerns?

2d. What is the effect and operation of the last section of the act of the 30th of March, 1805, for the endowment of Union College, since the adoption of the amended constitution?

3d. Can the legislature rightfully amend or repeal the clause of the act respecting Union College, passed during the last session of the legislature, the trustees having filed their consent thereto in the secretary's office?

I understand the regents, in their communication to the legislature, to contend that the act (2d R. L. 261) by fair interpretation gives them authority co-extensive with the known technical meaning of the term "visit" and "visitation," equivalent to the powers of general visitors at common law; but under qualifications and exceptions which, they seem to admit, withholds from them all power of interference in the concerns of the college, except the power of exacting from the trustees a report to them, of the state and situation of the revenues of the college; for they say, "they conceive their authority co-extensive with and equivalent to the powers of general visitors at common law, *except in so far* as these powers are restrained and qualified in regard to the election, appointment and removal of officers, the prescribing ordinances and statutes to the institu-

tions which they incorporate, and in some other points of jurisdiction incident to the office of general visitor, which are specified in the act."

By the concession then of the regents, their authority of visitors is reduced to very narrow limits indeed; they disclaim all the essential powers of visitors as at common law, insisting merely on that of requiring from the trustees a report of their financial concerns.

It is singular that a power so useless, from the want of other powers to enforce obedience or to apply remedies, if the trustees have abused their trusts, should be claimed, or become the subject of a grave complaint to the legislature.

But I am clearly of opinion that the regents of the University do not possess in any shape or sense, the authority they claim, or any other attribute of power, belonging to *visitors*, at common law, except in the single instance of appointing a president to the colleges and principals to the academies incorporated by them, in cases where the trustees leave those offices vacant for one whole year. To understand the questions on which my opinion has been asked, it is necessary to take a brief review of several statutes, and of the charters to King's now Columbia College, and to Union College.

The legislature, by an act of the 1st of May, 1784, for causes set forth in the recital, divested the governors of King's College in New-York, of all their estate real and personal; of all their corporate rights and powers, and of all authority vested in them by the charter of the 31st of October, 1754, to govern that institution, and vested all their estate and all their authority in the regents of the University, who were constituted and appointed by that



act; the regents were by the same act vested with power to ordain and make ordinances and by-laws for the government of the several colleges which might compose this University, with power to appoint the presidents and all the officers thereof, to manage such estate as they might be invested with, to fix the salaries of the officers and to remove them from office—they were authorised to found schools and colleges and endow them, with the right to visit; and such schools and colleges were declared to be a part of the University, and as such, subject to the control and direction of the regents.

It appears by the recitals contained in the charter to King's College, that it was endowed out of the avails of lotteries granted by the legislature, and of a donation in land from the corporation of Trinity church in New-York; the persons named in this charter were incorporated as governors of the college; a right of succession was granted to them for ever, with the usual powers of a corporation; and express powers were granted to them to appoint the president, professors, fellows and tutors, to fill all vacancies, to remove officers for misbehavior, to direct the course of study, and *to make such laws, ordinances, and orders, for the better government of the college and students and ministers therein, as they might think best.*

The act of the 13th of April, 1787, repealed the act of the 1st of May, 1784, and it was under this statute that the regents granted the charter to Union College. This act constituted a new board of regents and entirely remodeled their powers; it ratified and confirmed the charter to the governors of King's College, changed the name to Columbia College; appointed trustees to the college, and vested in those trustees, all the property, and estate and powers which previously, and by the act of the 1st of May, 1784, had been vested in the regents; and it also vested in the trustees, all the powers, rights and privileges which were granted to and vested in the governors of King's College by their charter, excepting such immaterial alterations as had become necessary in consequence of the change of government from a colony to a state.

The 7th section of this act of April 13th,

1787, provides that any citizens, or bodies corporate being minded to found a college, shall make known to the regents, the place where, the plan on which, and the funds with which it is intended to found and provide for the same, and who are proposed as the first trustees; and if it shall appear to the regents, that the plan and propositions are fully executed, they shall declare such college to be incorporated by such name as the founders signify and with such trustees as they shall name, not exceeding twenty-four, nor less than ten; and *that such colleges should have perpetual succession and enjoy all the corporate rights and privileges enjoyed by Columbia College as therein after mentioned.*

The charter to Union College was granted by the regents on the 25th day of February, 1795. It recites that an application had been made by Abraham Oothoudt and many others, stating that they were desirous to found a college in Schenectady; that they had made known the plan on which and the funds with which it was intended to found and provide for the college; that they had proposed persons as trustees, and signified that the name of the college should be Union College—that the plan had been approved of, and that the funds intended by the applicants for the use of the college were as duly and sufficiently secured and vested as was requisite; the regents then declare the college founded and established; that the trustees should be always twenty-four; that they should have perpetual succession, be capable to sue and be sued, to take and hold real and personal estate, with power to appoint a president, professors and tutors, to govern the students, prescribe the course of study, and *to make such rules, ordinances and orders for the better government of the college and of the president and officers as the trustees should think best for the general good of the same, together with all the corporate rights and privileges which they were empowered to grant, and which are the same granted to Columbia College.*

The claim of the regents to be visitors, in the common law sense of the term, appears to be founded on the third section of the act (2d R. L. 261) which is in the same words as the 3d section of the act of 1787 (1



Greenleaf, 434) the provision is, "that it shall and may be lawful to and for the said regents, and they are hereby authorised and required to *visit and inspect* all the colleges, academies and schools which are or may be established in this state; *examine into the state and system of education and discipline therein, and make a yearly report thereof to the legislature*—and also to visit every college in this state once a year by themselves, or by their committees, and yearly to report the state of the same to the legislature, and to make such bye-laws and ordinances not inconsistent with the constitution and laws of the state, as they may judge most expedient for the accomplishment of the trust hereby reposed in them."

The first question which naturally presents itself is, who are, in the common law meaning of the term, *visitors* of Union College. And it seems to me that the regents themselves have solved this question; for, adopting the law as laid down by judge Blackstone in his Commentaries, they say "that in eleemosynary corporations, which class includes colleges and all other incorporations for the purposes of education, the founder by virtue of his endowment, is of common right the legal visitor, to see that the property is rightly employed; but if he has appointed and assigned any other person to be visitor, then the person so appointed is invested with all the founder's power, and in every instance has authority to effectuate the intention of the founder as far as he can collect it from the nature of the institution;" the regents might have added, from the high authority of the same commentator, that the *fundatio perficiens* or the dotation of the funds, in which sense the first gift of the revenues is the foundation, and he who gives them is in law the founder, and that it is in this sense that a man is called the founder of a college or hospital.

Who then were the founders of Union College, and as such became of common right the legal visitors? This question is answered by reference to the charter to Union College; Mr. Oothoudt and his associates are acknowledged, by that instrument, to have furnished the funds, to

have invested and secured them for the express purpose of founding and providing for the college, and the college received no funds from the state, nor any promise of them, until after its incorporation.

Mr. Oothoudt and his associates being then the founders of the college, by making the first gift of its revenues, would be the legal visitors, had they not assigned their right, which it is perceived may be assigned. Their application to the regents to be incorporated, their designation of twenty-four trustees, in whom were to be invested all the estate real and personal, given to the college, with power to direct and manage all its concerns, amounted to an absolute assignment of the rights of the first founders to any visitatorial powers, and these rights became vested in the trustees as a body corporate. If this proposition requires support, it will be found in the decision of the supreme court of the United States in the case of *Dartmouth College v. Woodward*. (4 Wheaton, 518.) I shall rely much upon that case in the course of this opinion. That case was most elaborately argued by learned and distinguished jurists; the opinions expressed by several of the judges discover great research, and in short they add to the high reputation and character which that court has uniformly maintained. I rely upon that case, as settling the law upon several of the points arising in this case; that court possesses jurisdiction in the last resort, in every case involving a construction of the constitution of the United States, when the decision in any court, whether of a state or of the United States, is adverse to the claim set up by any party under that constitution—their decision then upon any such case, becomes paramount and controlling upon all other courts.

That case shows that the charter to Dartmouth College, was granted upon an application to the crown, upon a statement that contributions had been made by private individuals for a charter for a religious and literary institution—the court adjudged that it was a private eleemosynary institution, a charity incorporated for the preservation of its property and the perpetual application of that property to the objects of its creation—that the founders were re-



presented by the corporation, who was the assignee of their rights, and stood in their places—that in every literary or charitable institution, unless the objects of the bounty be themselves incorporated, the whole legal interest was in the trustees and could be asserted only by them; and that where a charter vests the usual power of government in trustees, they thereby become the visitors, and the founders retain no visitatorial powers, although the king be the founder.

It being then admitted by the regents that the trustees of Union College, have all the essential powers of visitors, and it being established by the case just cited, that they possess the entire visitatorial powers; it seems to be claimed by the regents, that nevertheless, they have under the act a portion of those powers, the right of demanding from the trustees an exposition to them of their financial concerns. In the call they have made upon the trustees, they require them, among other things, to report as to the application of the interest of \$35,000, which in and by the act of the 30th of March, 1805, was directed to be applied solely and exclusively to the support of professorships in the college, and also as to the interest of \$10,000 which by the same act was directed to be applied, one half in establishing and maintaining a classical library, and the other half towards defraying the expenses of indigent students, and how the principal sums were invested.

A visitatorial power which consists in the right to require an exhibition of the funds of a corporation, but without any authority to correct abuses, if any exist, is conceived to be an anomaly—it would require the most explicit language to constitute the right claimed, when it is considered that the funds with which the college was endowed, at first, were private benefactions, with which the public had no concern, and that there existed no pledge on the part of the public further to endow the college, or contribute towards its funds.

The object, extent and end of the authority conferred on the regents by the third section of the statute, are well marked and defined; they are to *visit and inspect all the colleges, academies and schools, examine into the state and system*

*of education and discipline therein, and make a yearly report thereof to the legislature; and also to visit every college in this state once a year by themselves, or by their committees, and yearly to report the state of the same to the legislature.* The object of visiting and inspecting, is for the purpose of examining into the state and system of education and discipline, without any power to alter or change either of them; and their whole corrective power consists in reporting to the legislature. The regents lay great stress on the words “visit” and “visitation,” as though these words necessarily imported visitatorial common law powers; but these words must not be insulated and construed without reference to the context; there we find the sense in which they are used; a local visitation and a personal examination into the state and system of education and discipline, with the sole view of informing the legislature, whether they are good or bad. The regents seem to think that their powers thus limited are so insignificant, that no one will seriously contend they are not more extensive.

It is believed not to be a legitimate deduction of power, to infer a larger power from a less one expressly given, because the possessor of the smaller power may think it insignificant. The legislature were certainly of a different opinion, for in the 16th sec. of the act of 1787, we find them thus speaking, “and for the encouragement of such academies, and to render them more useful and respectable, the regents of the university shall be visitors of such academies and the chancellor and vice-chancellor shall, as often as they see proper, visit such academies *to inquire into the state and progress of literature therein.*”

The legislature thought, that visits from such respectable men as the regents would have the effect to render these institutions more useful and respectable, by inciting the students to application, and by stimulating the instructors in their duty towards their pupils; and it is well known that nothing has a more salutary influence upon such institutions than periodical visits from highly distinguished literary men.

The act of the 30th March, 1805, requires the trustees annually to exhibit to



the legislature a true and circumstantial account of their proceedings, in relation to the disposition and application of the interest that should accrue from the sum of \$35,000 directed to be placed at interest on landed security, or invested in public stock,\* which interest was for ever thereafter to be applied exclusively to the support of professorships in the college. This act authorized the raising, by lotteries, of \$80,000 for the use and benefit of the college, but required no report from the trustees as to any other part of the benefaction. It cannot, I think, be seriously asserted, when the *donors* require no account of the expenditure of the monies given, that *any other persons* have a right to exact an account; much less can it be asserted, that when the *donors require an account* to be given to *them*, that *any other persons* have a right to intervene.

When the authority conferred on the regents by the act of the 1st of May, 1784, are contrasted with the power given to them by the act of 1787, it must be evident, that the legislature intended materially to abridge and curtail their powers by the latter act.

That the regents have no visitatorial powers of the nature claimed by them, may be inferred from the circumstance, that whatever jurisdiction was conferred, extended as well to schools and academies as to colleges, the regents had no power given to them to incorporate schools, and at that period they were wholly private institutions, maintained at individual expense, and it will scarcely be insisted that the regents had visitatorial powers over them in the common law sense. The regents were authorized to incorporate academies, but the trustees of academies had by the 14th section of the act, the sole and absolute control and management of them and of their revenues, excluding all pretence of claim on the part of the regents to be *visitors* of these institutions in the sense now contended for. From all these considerations, I can have no doubt, that the regents have no powers under the statute, as visitors in the common law sense: and that they have no authority to require from the trustees of Union College a report of their revenues or finances; and I am of

the opinion that the trustees of Union College possess all the common law authority of visitors to that institution: except in the single particular of filling the presidency when improperly left vacant.

I answer to the second question, that the last section of the act of the 30th of March, 1805, having declared that the grant of the lotteries was upon the express condition and stipulation, that the trustees of Union College should make application under their common seal, to the regents, for an amendment of the charter of the college, so as to reduce the whole number of trustees to *twenty-one*, and so as to constitute the chancellor, the justices of the supreme court, the secretary, the comptroller, the treasurer, the attorney-general and the surveyor-general, for the time being, ex officio trustees of the college, and so as that the regents shall fill all vacancies of the trustees from time to time; and authorizing the regents on such application to amend the charter of the college accordingly; declaring also that the vacancies should not be filled till the number of trustees exclusive of the officers of state, should be reduced to *ten*; and the trustees having made such application, and the charter having been amended accordingly, the *amended charter* became equally inviolable with the *one first granted*. It has been, however, violated by the reduction, (under the amended constitution) of the number of the judges of the supreme court from *five* to *three*: which reduced the number of trustees from 21 to 19: and thus the college, without any agency or fault of theirs, has been deprived of a part of the trustees stipulated for in their amended charter, and a part of that description of trustees which by stipulation were to become and remain the majority.

In the case of Dartmouth College vs. Woodward, it was decided, that in private eleemosynary institutions, the body corporate, as possessing the whole legal and equitable interest and completely representing the donors, for the purpose of executing the trust, had rights protected by the constitution of the United States; and that the acts of the legislature of New-Hampshire were repugnant to the constitution. One of the acts thus pronounced to be repugnant to the constitution, had increased the number of the trustees, which was limited by the

\* This investment was, by a subsequent act, authorized to be made in the Mohawk Bank.



charter to twelve. Chief Justice Marshall said, that there was no essential difference between acting directly and acting through the agency of trustees, and that the act, by increasing the number, operated a material change in the grant, and was subversive of the contract, on the faith of which the property was given. It makes no difference, in my opinion, that the number of the trustees were diminished instead of being increased, by the operation of the amended constitution: nor did it in the opinion of the judges of the supreme court, for judge Washington in the case referred to said, "that if a law *increases or diminishes* the number of trustees, they are not the persons whom *the grantors* agreed should be the managers of the fund." The trustees of Union College surrendered, on specified conditions, their right under their *first charter* to fill vacancies in their board, and this right was to be transferred to the regents, who in process of time, and under said specified conditions were to appoint all the trustees not so *ex officio*; but as the whole number of trustees had been reduced by the new constitution to *nineteen*, instead of *twenty-one* as stipulated for; and as the *nine ex officio* trustees would become a *minority*, and the *ten* trustees appointed by the regents would become a *majority*, the entire effective control over the concerns of the college would be taken from the state officers and placed in the hands of the trustees deriving their appointments from the regents, contrary to the express stipulation of the amendment of the charter of 1805. This was an *essential* change of the compact, and as it would seem from the *guarded provisions* in the amended charter, contrary to the *interests* and the *intention* of the college. It is no answer to this to say, that it would make no difference to the college, or that by the operation of the amended constitution, the injury is irremediable; the college have a right to say, that the compact is broken, that it is different from THAT on which they surrendered up the right of appointing their own trustees, and that now their concerns are put under the government of a different body of men.

Such being the effect produced by the amended constitution, it will not, I pre-

sume, be said, that this case is distinguishable from that of Dartmouth College v. Woodward, because the charter was there altered by an act of the legislature, and here, by a convention of delegates assembled to amend the constitution.

If a convention can violate the constitution of the United States, by impairing the obligation of contracts, or by an act of attainder, or an *ex post facto* provision, then indeed, an easy method exists, of abrogating and annulling the inviolability of contracts, and rendering the constitutional barrier a dead letter. If such a doctrine could be successfully maintained, the state authorities would easily triumph over the destruction of a most sacred and valuable provision in the national compact.

The 10th section of the first article of the constitution of the United States provides, that "no state shall pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts." A convention represents the sovereign authority of the state, as emanating immediately from the people; their acts are the acts of the state, and their acts are rules of conduct prescribed by the supreme power of the state, and this is the definition of municipal law. I cannot, therefore, entertain a doubt, that the new constitution, by reducing the number of the judges of the supreme court, and thus changing the government of Union College into other hands, than those stipulated for, did subvert and impair their amended charter, contrary to the constitutional inhibition.

Whether the impaired charter subsisted and was binding on the college, is a question now merely speculative, since the proffer contained in the clause in the act of the last session, has been accepted. "The trustees, admitting or waving the question of right so far as the state officers are concerned, have merely contended that the right of filling vacancies in their board had never yet vested in the regents, and that the adoption of the new state constitution had rendered it impossible that such right should ever vest." I should however strongly incline to the opinion that the college was fully restored to, and reinvested with its original charter; because the state had violated one of the conditions of the amend-



ed charter, and were incapable without the consent of the college of repairing the injury; and this being a violation, by one of the parties to a compact, of an essential part of it, without the fault or participation of the other party, such other party would be released from the observance of the condition which was an equivalent for the part thus violated; and these mutual stipulations forming parts of the same contract, which was separable from the first charter, and the one party having absolved himself from the observance of his stipulation, the other party was also absolved; at all events, the state was bound in good faith, to apply a just remedy, and such a one as would be acceptable to the college; and this was done by the clause of the act of the last session.

This clause is contained in an act relative to the city of Schenectady; it is preceded by a recital, that by the existing charter of Union College, the chancellor, the judges of the supreme court, the secretary, the comptroller, the surveyor-general, the attorney-general and the treasurer, are *ex officio* trustees thereof, and that by reducing the number of the justices of the supreme court, under the present constitution, the number of the trustees will be reduced; it is then enacted, that the governor and lieutenant-governor, for the time being, shall be added to the number of trustees *ex officio* already belonging thereto; the trustees not *ex officio* to be and remain the same in number as they at present exist in said board, and vacancies hereafter occurring therein to be filled in the same manner as vacancies have heretofore been filled; provided the board of trustees of the college shall consent thereto, and file such consent in the office of the secretary of state.

I perceive nothing ambiguous, as is suggested by the regents, in this enactment: the only facts to be explained were, in what manner vacancies had been filled, and what was the then existing number of trustees. These inquiries would naturally suggest themselves upon the slightest consideration. If the legislature did not know the state of these facts and did not see fit to make the inquiry, surely their neglect to inform themselves can afford neither ground to impeach the conduct of the trus-

tees, or for amending or repealing the enactment, and I am of opinion that they cannot rightfully do either.

In the case of *Dartmouth College vs. Woodward*, such a charter as the one granted to Union College was pronounced by the court to be a contract, made on valuable consideration, for the security and disposition of property within the letter and spirit of the constitution of the United States, and that its obligation could not be impaired without violating the constitution. In the case of *Fletcher vs. Peck*, 7 Cranch, 135, the supreme court of the United States also decided, "that when a law is in its nature a contract, when absolute rights have vested under that contract, a repeal of the law cannot divest those rights." The legislature have the same right to amend or repeal every act creating private corporations for the purpose of holding and managing property, such as charters to banks, and insurance companies, without the consent of such corporations, as they have to amend or repeal the clause of the act of the last session. The cases are not distinguishable; and I forbear to make a single comment upon the consequences of an attempt to exert such a power by the legislature.

In the act of the 30th March, 1805, and in the clause of the act of the last session, which related to Union College, the legislature have evinced their sense of the sacred and inviolable nature of such charters; in both cases they have required the consent of the trustees of the college prior to the enactments taking effect, and I must say, that the suggestion contained in the communication from the regents to the legislature, rather inviting to an amendment or repeal of the clause in the act of the last session, after the trustees had filed their consent to it, has excited in my mind no little surprise, considering the high source from which such a recommendation proceeded.

A. SPENCER.

Albany, May 8, 1823.

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Upon mature deliberation, I fully concur in the above opinion.

JONAS PLATT

Utica, 29th May, 1823.



OPINION to the Trustees of Union College, in their Controversy with the Regents.

After mature reflection, we cannot hesitate to agree, in all essential points, with the opinion of the late chief justice, on the subjects in controversy between the regents of the University and the trustees of Union College. Indeed it seems to us that the greater part, if not the whole of that controversy is settled by the case of Dartmouth College *vs.* Woodward, 4 Wheaton, 518, which, as to the right of the legislature to repeal the law of Feb. 7, 1823, is of indisputable and paramount authority, and as to the visitatorial powers of the trustees, is in strict conformity with the acknowledged English law on the subject. The charter of Dartmouth College, as set forth by Mr. Justice Story, (p. 677, 8, 9, 680) in its important points as to this controversy, very much resembles that of Union College, and when it has been decided that the charter of the former is a contract, the obligation of which cannot be impaired by a state law, it is impossible to escape from the conclusion, that the same principle is a protecting shield to the existing, as it would have been to the original charter of Union College. Previous to the incorporation of this college, the board of regents were remodelled with all their present powers; by the 7th section of the act to which they owe their existence and authority, provision is made for incorporating eleemosynary colleges on private foundations. (2d vol. Kent & Radcliffe's Ed. 236.) The mode there indicated was pursued by the founders of Union College, and a charter was granted to the trustees named by the founders. By it they were to enjoy all the corporate rights and privileges enjoyed by Columbia College. Some of those are set forth in the very next section, one of which is that "no persons shall be Trustees of the same in virtue of any offices, characters or descriptions whatever," and another is, by the charter of that college, that the trustees shall have the power to fill up the vacancies in their own body. These were among the terms upon which the original founders chose to endow Union College. Who then had a right to vary those fundamental terms? Clearly the legislature had not; it could not by the utmost exercise of its authority, have

made any persons trustees, *in virtue of any office, characters or descriptions whatever*; nor could it have reduced the number of trustees below 24, nor of those elected to ten, nor have taken from that body, or given to the regents the power of filling up the vacancies that should happen after the elected trustees were reduced to ten. The legislature very properly felt its own incompetency to do this, and made it a matter of bargain and compact with the trustees, that *they* should apply to the regents for such an alteration in their charter, which was done, and granted accordingly. The amended charter is then clearly a compact, and has every characteristic of such a contract as is protected by the constitution of the United States. That contract was violated by the adoption of the new constitution, for certainly *diminishing* the number and altering the proportions of the constituent parts of the board are as much breaches of the contract, as was increasing their number in the case of Dartmouth College. (See Judge Washington's opinion, 4th Wheaton, 662.) The legislature considered the assent of the trustees necessary to the validity of the law by which the original charter was changed, and they judged rightly. By a compact made on valuable consideration, a *limited right* was thus acquired in derogation of the original charter, to make the chancellor, the justices of the supreme court, the secretary, the comptroller, the treasurer, the attorney general and the surveyor general, *ex officio* trustees. But the compact proceeded no further, and with the exception of those specified officers, the original charter, as to the inhibition of *ex officio* trustees, remained in full force. Could then the legislature, in despite of the positive provisions of that charter, "*that no persons shall be trustees of the same in virtue of any offices, characters or descriptions whatever*," by any exercise of its own authority, have made the governor and lieut. governor *ex officio* trustees? The case of Dartmouth College expressly answers in the negative. And if they could not do it in the first instance, how can they possibly accomplish it now, by any modifying or explanatory act not assented to by the trustees? As the legislature could not remedy this defect by its



own act, what was to be done? A new contract was to be made, and for the purpose of making it a new consideration was to be given.

The trustees and legislature did not, perhaps, judge very erroneously, if they supposed (and it may have entered into their reflections) that the right of electing the trustees (and not merely ten, but twenty-four) had reverted to the board. The sentiments of Chief Justice Spencer so strongly concurring with what we also entertain on that point, it is not extravagant at least to say, that the question was very fit to be settled by compromise and arrangement.—That was then effected by a new contract. The state retained what it had probably lost, the right of having eleven ex officio trustees, (two of them entitled only by the new contract) and it confirmed to the trustees a part, and only a part, of what they had probably regained, the right of electing and filling up the vacancies of ten elective trustees.

The committee of the regents, however, in their report, say that it was not the intention of the legislature to restore that power to the trustees, and they vouch the private communications of several members of that body. We know of no power competent to institute an inquiry into that fact, or to act upon it if proved. The statute itself exhibits no proof of indiscreet and improvident legislation, but, when well considered, the very reverse; and by the filing of the consent of the trustees pursuant to its provisions, the law, which was previously imperative, passed into a contract, which thereby became obligatory on both parties. It is then fully as important a consideration, as to the immutability of that contract, how the trustees understood it, as how the legislature did. There is no allegation or pretence of mutual mistake; and certainly if it were a private contract, neither party could undo it by his own act, nor could a court of equity effect it. As a contract made by the state, it is equally incapable of being changed by the state, without the consent of the other contracting party. In the case of *Fletcher vs. Peck*, 6 Cranch, 87, a law came under discussion, unquestionably improvident, and fully proved to have been procured by corruption. A subsequent legisla-

ture of Georgia, penetrated by a sense of the fraud and iniquity by which it was obtained, repealed it; but the supreme court of the United States considered that repeal a nullity; and Ch. J. Marshall says, (p. 135) "when, then, a law is in its nature a contract, when absolute rights have vested under that contract," (and they undoubtedly have vested in the trustees of Union College by the act of last session) "a repeal of the law cannot divest those rights."

This principle, as well as the authority of the case of Dartmouth College, seems to us fully to justify the opinion we entertain, that the repeal or modification of the law of last session, without the consent of the trustees, or any explanatory act concerning it, without the same consent, would be unconstitutional and void, and perfect nullities.

The next question is as to the visitatorial powers claimed by the regents over Union College. These powers are not supposed to depend on any particular provisions of the charter of that college; but to be derived from the third section of the act of the 13th April, 1787. If the regents possess such powers over Union College, they possess them over every college, every academy, and every incorporated school now in the state, or that may at any time hereafter be instituted within its limits. This is an authority of uncommon extent; and before it be allowed to any one body of men, it becomes a matter of public importance to inquire in what visitatorial power consists.

The visitors of every incorporated institution, are a domestic tribunal, possessing a jurisdiction from which there is no appeal to the regular courts of justice, or indeed to any constituted authority whatever. In order that we may not seem to overrate the law, we shall avail ourselves of the words of Ld. Holt, in his very elaborate opinion in the case of *Philips vs. Bury*, which is now universally allowed to contain all the doctrine on this point. It was first published in *Skinner's Reports*, (475) who was himself of counsel in the cause. We shall however cite it from D. & E. as that book is the most easily accessible.

Ld. Holt says, (2 D. & E. p. 349) "It is clear that where any one is visitor of a college, he has full and complete power to *deprive and remove any member of the College qua vis-*



itor." In p. 351 he says, "The next point is no more than this—whether the justice of this sentence be examinable in any of the courts of common law? That is, first, whether the sufficiency of the sentence as to the cause, be examinable in the common law courts; and secondly, whether the truth of that cause, suppose it to be good and sufficient to ground the sentence, if true, can be inquired into and examined. *And I think the sufficiency of the sentence is never to be called in question, nor any inquiry to be made here into the reasons or causes of the deprivation. If the sentence be given by him that is visitor, created so by the founder, or by the law, you shall never inquire into the validity or ground of the sentence.*"

Again, in 353, in answer to the question "What is the visitor to do?" he says, "*He may expel and he may deprive.*" The only question there was, "who is visitor?" for it is "agreed on all hands that he may deprive. But you will say, the visitor hath no court, and it is unreasonable to conclude a man by the sentence of one that hath no court. It is (I say) not material whether he hath a court or no—all the matter is, whether he hath jurisdiction; *if he hath jurisdiction and cognizance of the matter and person, and he giveth sentence in the matter, his sentence must make a vacancy, be it never so erroneous; but there is no appeal, if the founder hath not thought fit to direct one. That an appeal lieth to the common law courts of England, is without precedent.*" Again, (p. 357) "It is by the constitution of the college, inseparably incident to their places that both head and members should submit to the visitation, and *contumacy is held a good cause of deprivation.*" "It was held a good cause in Bird & Smith's case, and in the case of Allen vs. Nash, *quod fuit refractarius.*" Again, (p. 358) "And contumacy, I take it, is a cause of forfeiture of his (the Rector's) office; being an offence against the very essence of his place, whereby he is made subject to the power of the visitor; and if he go about to evade, or contumaciously refuse to submit to his power and authority, it is an offence against the duty of his place, and a good cause of deprivation."

Here then is a ready opportunity for the

exercise and the testing of the regents' visitatorial powers. If they exist, as claimed, the trustees of Union College have been guilty of contumacy, and the Regents may remove them without the possibility of appeal to any tribunal in the land; and if they do not themselves possess the power of filling vacancies, they may at least enable the great officers of the state to fill them in their discretion. That jurisdiction was indeed once possessed by their predecessors, under the act 1st May, 1784; at least, as to the colleges that might compose the university, and no others appear to have been then contemplated, and it may, therefore, well have occurred to the jealous republicans and reflecting statesmen of that day, that the authority to remove, without appeal, the officers, tutors, heads and trustees of every seminary of learning in the country; of directing the studies; of controlling the education, and thus swaying the minds of the growing generation, *when vested in one body*, might, in times of trouble, make that body an irresistible agent of political power. They may have considered that although such a summary authority may be necessary for the well governing of literary incorporations, it should be broken up and divided among differently constituted bodies, which, from the incongruity of their origin and the diversity of their views, would be incapable of coalescing for any dangerous purpose; and if they presumed (what we have no doubt is the fact) that a single board of such power over the preceptors of youth and their education, would not be tolerated, even in the monarchical government of England, they very probably deemed it inconsistent with the genius and principles of our Republic. Be that as it may, for some reasons or other, they annulled the powers given by the act of 1784, and on the 13th April, 1787, remodelled the board of regents, and as we think, with very different and much more limited authority.

The present regents, indeed, contend it still exists, and is granted by the words (2 Kent & Radcliffe's ed. p. 235) "That it shall and may be lawful to and for the said regents, and they are hereby authorized and required to visit and inspect all the colleges, academies or schools, which are or may be established in this state, examine



into the state and system of education and discipline therein, and make a yearly report thereof to the legislature; and also to visit every college in this state once a year, by themselves or by their committees, and yearly report the state of the same to the legislature," and also by the provision in the 19th section of the same act, (p. 341) and 17th section of the new revised law, (2 vol. p. 365) that when an academy shall be changed into a college, such college shall "be subject to the like rules, regulations, control and visitation of the regents, as other colleges mentioned in this act." They say, "The words *visit* and *visitation*, contained in the above extracts, the regents have conceived to be used, not merely in their common acceptation, but being terms of known legal import and effect, to have been introduced into the statute with reference to their technical signification." If, as the regents also say, "The framers and revisers of the act well knew that at common law, all corporations were liable, as a necessary incident to their creation and existence, to be *visited* in the technical acceptation of the term," &c. and therefore, that the words *visit* and *visitation* are to be considered as used in their technical signification, it would seem a necessary consequence from the same course of reasoning, that the framers and revisers of the act, and the legislature itself only meant to apply those words where, by the common law they were entitled to apply them; that they only meant to create visitors for such institutions, as by the common law, it belonged to the state to visit. Now that would necessarily exclude all eleemosynary corporations on private foundations, (and such Union College is admitted to be by the regents themselves) because the visitation of them, of common right belonged to the founders and their assignees.

Instead, therefore, of inferring so extensive a power from one or two sentences containing general and ambiguous words, a legislative enactment should be produced, of the most explicit and unequivocal character, to lead us to believe that it was intended to make so great a change in the common law, and so violent an infringement on the most ancient and immemorial rights of the private founders of charitable corporations,

as to take away from them and their heirs, or those of their appointment, the power of visiting the charities they called into existence, for the purpose of vesting it exclusively, and in every instance, in a body appointed by the state. That, however, is the construction of the statute for which the regents contend, and without which they can have no visitatorial power over Union College, or any other private eleemosynary corporation. Other reasons also lead us to the entire conviction, that the powers delegated by the 3d and alluded to in the 19th section of their own charter, are no more than actual visitings and inspection, as *commissioners*, for the purpose of reporting to, and informing the legislature of the state of education and discipline in the different literary institutions throughout the state, and that with regard to colleges, they should make such visit once a year. This personal visitation and inspection, the regents seem to think, would be an intolerable grievance; and indeed usage and courtesy appear to have substituted for it annual reports from the different colleges, though we are well convinced, that such was not the intention of the legislature. It should however be remembered, that the due exercise of even the visitatorial powers they claim, would impose on them the same burthen; for *visitation* is always to be performed within the bosom of the corporation, and in the place of its corporate existence; except, perhaps, where the Lord Chancellor of England is *ex officio* visitor, and visits in his Court of Chancery. A visitor may, indeed, in any place, receive complaints, notify the accused, receive answers, and issue preparatory summonses and directions for an actual visitation; but the *forum domesticum* is to be held, and the jurisdiction exercised in the *home* of the corporation. That this inspection, as state commissioners, is all that those words contemplate, is, we think manifest from the accompanying expressions, which obviously qualify its exercise. If the regents were *general visitors*, why should they be specially *authorized and required* to examine into the state and system of education and discipline therein? If they were to be the final arbiters and judges, without appeal on this or any other matter of collegiate administration, why are they



required to make a yearly report to the legislature?

Independent, however, of all reasoning on the words of the 3d and 19th sections of their charter, we think there are abundant reasons for the opinion we entertain, that the regents are not, and cannot be visitors of any eleemosynary college, on a private foundation. By the common law, they certainly are not and cannot be so, and whatever power they possess, with respect to such institutions, must be derived from the respective charters of those bodies, coupled perhaps with the express powers of their own charter. How far the regents are or will be the visitors of any colleges they may found themselves, or establish under the authority and with the funds of the state, as the perficient founder, need not here be discussed, nor whether they are visitors of the eleemosynary academies incorporated by virtue of that law. But if they possess any such power in the latter case, we hold it not to have been derived from any authority that the state or legislature can give or could give; but in every instance by *the special appointment and request of the perficient founder*. The incorporation is to be granted on the application of the founders and benefactors &c. by an instrument in writing under hands and seals, to the regents of the University, expressing their request that such academy should be incorporated, and *be subject to the visitation of the regents*. *Volenti non fit injuria*; and if they choose to request such a visitation, the surrender of their own right to visitation is voluntary, but it is also the source of the regents' power. It is, however, a remarkable difference, and in our minds affords room for very pregnant observations, that in the section relating to the incorporation of eleemosynary colleges on private foundations, no such request is stipulated for on the part of their founders, and therefore no such surrender of their common law rights required. They are only to make known in writing to the regents, the place where, the plan on which, and the funds with which it is intended to found and provide for the same, and who are proposed as the first trustees. Whenever the plan and propositions of the founders are fully executed, the regents shall declare, by a cor-

porate act, that the college shall forthwith become incorporated, and it shall thenceforth enjoy the corporate rights and privileges enjoyed by Columbia College.

It becomes, therefore, a matter of importance to enquire, what those rights and privileges are? Under the colonial government, the governors of Kings, now Columbia College, were in express terms made its visitors. The words of the charter are as follows: "And we do further will and grant, that the said governors of the said college for the time being, or the major part of any fifteen or more of them convened as aforesaid, shall have full power and lawful authority to visit, order, punish, place and displace the treasurer, clerk, steward, students and other officers and ministers of the said college, and to order, reform and redress all and any the disorders, misdemeanors and abuses in the persons aforesaid, or any of them, and to censure, suspend or deprive them, or any or either of them, so always that no visitation, act, or thing in or concerning the said college, be made or done by any other person or persons whatsoever, but as is herein before directed and declared."

But in 1787, that board was abolished and a new one instituted; and (by section 10) "All and singular the power, authority, rights, privileges, franchises and immunities, so heretofore granted to and invested in the said *Governors of the College* of the province of New-York, in the city of New-York, in America, by the said charter, excepting (certain matters, not connected with this question,) were granted to and vested in the *trustees of Columbia College*, in the city of New-York, and their successors forever," &c. thereby undoubtedly making those trustees the visitors of that college, and vesting no remnant of that power in the new body of regents, except where the appointment of a president, in case of vacancy, has been too long delayed.

It seems to us perfectly clear, therefore, that the visitatorial power over Union, as well as Columbia College, was vested in its own trustees, and thus the immemorial rights of the founders are preserved, consistently with the common law, and an authority, very formidable if concentrated in one body, very dangerous if exerted by it,



and very useless if not called into activity, has been judiciously broken up, and distributed among small and separate bodies, each connected with a particular institution, incapable of endangering or deranging the general system, and not likely to let its powers remain improperly inactive.

The claim of the regents to be the visitors of Union College, has been, for the present, made on the subject of its financial concerns; and it may with much force be said that the trustees cannot be visitors in this respect, as they are the immediate possessors and administrators of the fund. We accede to this position as good law; but we are equally clear that even in that respect, the regents are not visitors of that College, and have no authority to inquire into or direct the disposition of its funds. Their own charter in giving a very limited authority to inspect and report, touches upon no such subject, and it is very remarkable, if the legislature supposed the regents to possess that power, that the exercise of it should not be left, without interference, to that body, which would have a right to decide respecting it without appeal, and would possess exclusive jurisdiction on the subject matter. But on the contrary, the act of 1805, expressly provides as to \$35,000, the interest of which is devoted to professorships, that the trustees should annually exhibit to the legislature a just, true and circumstantial account of their proceedings in relation to the disposition and application of that interest. We would not, however, be understood as supposing that the legislature was in that respect visitatorial. It is an unfit and incompetent body to exercise such powers. It may then be asked, who are the visitors as to the funds of the college? We answer, the courts of law and equity, and no other body or person. In case of abuse, interest will always raise up complainants; besides which, the legislature has taken care to ensure annual information respecting the funds most subject to malversation, and it may at any time direct the attorney general to prosecute, and the trustees are answerable, either in law or in equity, for every misapplication or mismanagement of the trust funds committed to their care. This is the doctrine of the English law, extract-

ed from an abundance of cases, and laid down in 2d Kid on corporations, 187, "where the persons for whose benefit a charity is established, are not themselves incorporated, but trustees or governors are appointed, as in the case of Sutton's hospital, the governors have a kind of visitatorial power with respect to the objects of the charity, but where no visitor is expressly appointed, and the legal estate of the endowment is vested in the governors, the latter, as to the management of the revenues, are subject to the jurisdiction of the court of chancery." The same law is very clearly laid down by Mr. Justice Story. In the case of Dartmouth College, in 4th Wheaton, 675, he says—"It is a general rule, that if the objects of the charity are incorporated, as for instance, the master and fellows of a college, or the master and poor of an hospital, the visitational power, in the absence of any special appointment, silently vests in the founder and his heirs. But where trustees and governors are incorporated to manage the charity, the visitatorial power is deemed to belong to them in their corporate character," And again, in p. 676, "where indeed the visitatorial power is vested in the trustees of the charity in virtue of their incorporation, there can be no amotion of them from their corporate capacity. But they are not therefore placed beyond the reach of the law. As managers of the revenues of the corporation they are subject to the general superintending power of the court of chancery, not as itself possessing a visitatorial power or a right to control the charity, but as possessing a general jurisdiction in all cases of an abuse of trusts, to redress grievances and suppress frauds."—The same learned judge after setting forth in detail the provisions of the charter of Dartmouth College, by which the funds and their management and the legal estate of the lands and revenues were vested in the trustees, says (p. 681) "the whole government and control, as well of the officers as of the revenues of the college, being with his (the founder's) consent assigned to the trustees in their corporate character, the visitatorial power, which is included in the authority, rightfully devolved on the trustees. As managers of the property and revenues of the corporation, they were a-



menable to the judicial tribunals of the state ; but as visitors, their discretion was limited only by the charter, and liable to no supervision, or control, at least, unless it was fraudulently misapplied.

We are therefore very clearly of opinion that the regents have no visitatorial powers over Union College, according to the technical or common law sense of the words *visit* and *visitations*, used in the act by which they are incorporated, except in the single

case of appointing a President in the event therein provided for ; but that in every other respect they are entirely vested in the trustees of that institution, subject only to the interfering and correcting power of the competent tribunals of the country in case of an abuse, or misapplication of the funds.

THOMAS ADDIS EMMET,  
JOHN WELLS,  
DAVID B. OGDEN.

New-York, June 30th, 1823.



